

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**16 August 2000**

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantima	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

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

<sup>2</sup> Elected 11 December 1999

<sup>3</sup> Resigned 12 April 2000

<sup>4</sup> Elected 13 May 2000



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## Wednesday, 16 August 2000

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

### PETITIONS

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

#### **Mornington Peninsula: public transport**

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

The southern Mornington Peninsula needs a more frequent, easier accessible and cheaper public transport system integrated with the metropolitan transport system.

Your petitioners therefore pray that the Minister for Transport support the southern peninsula's request for improved bus services and its inclusion in a new zone 4 of the metropolitan transport system

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

**By Mr DIXON (Dromana) (1771 signatures)**

#### **Preschools: volunteers**

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the Parliament immediately acknowledge the important role played by volunteer parents on their local preschool committees and recognise the significant contribution that preschools and their committees make to their local communities.

Your petitioners therefore pray that immediate additional support is provided so that volunteer committees can receive targeted financial assistance for administrative support in managing their preschools.

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

**By Mr KILGOUR (Shepparton) (25 signatures)**

#### **Preschools: funding**

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

The humble petition of the undersigned citizens of Victoria respectfully requests that the Victorian government immediately invest more substantially in preschool education for the benefit of Victoria's young children and their future. That the Victorian government increase funding to preschools to at least equivalent to the national average in order to ensure:

a reduction in fees paid by parents and the removal of the barrier to participation for children;

reduction in group sizes to educationally appropriate levels consistent with those established by government for P-2 classes in primary schools;

teachers are paid appropriately and in line with Victorian school teachers and preschool teachers interstate;

critical staff shortages for both permanent and relief staff are alleviated;

the excessive workloads of teachers and parent committees of management are addressed.

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

**By Mr KILGOUR (Shepparton) (353 signatures)**

**Laid on table.**

### MEMBERS STATEMENTS

#### **Melba Support Services**

**Mrs FYFFE (Evelyn) — I refer to an issue of great concern for those providing services for people with intellectual disabilities. Melba Support Services in my electorate undertakes some of the most amazing work with severely intellectually disabled persons. The environment they provide for their clients is warm, caring, interesting and diverse. The program is designed to assist those who can to move into the community — to be able, for instance, to go to McDonalds and ask for a Big Mac by utilising cards and pictures. The sense of independence generated by their being able to do that provides great satisfaction.**

However, this program may be axed due to the insensitivity of this government and the incompetence of the Minister for Workcover in grasping the issue of Workcover premiums. Melba Support Services is facing a Workcover premium increase of \$108 371, and trips to McDonalds and other places that we all take for granted will have to be cut. These severely disabled men and women are being disadvantaged by this incompetent minister. Melba is left with two alternatives — staff cutbacks or reduction of recreational activities.

I have seen the faces of the Melba clients as they head off in their bus on an outing. The excitement is inescapable as they clap their hands or shout out loudly so everyone can hear that they are going out. Their smiles are as wide as the proverbial country mile, and now they cannot go.

#### **James Harrison Secondary College**

**Mr TREZISE (Geelong) — I take this opportunity to acknowledge the commitment of this government,**

and specifically of the Minister for Education, to education in this state. Yesterday the Victorian government injected more than \$8 million into state schools across the Geelong region. In all, 12 schools in Geelong received significant funding boosts, averaging more than \$500 000, for upgrades to school buildings and classrooms.

Of particular delight to me was the \$2.5 million allocated to James Harrison Secondary College. The funding has literally saved this once great school from extinction. Just after being elected in September last year I visited the college and was shocked by its dilapidated condition. It was quite obvious that the Kennett government had no plans for James Harrison Secondary College but to let it rot and close. The Kennett plan for the once proud college was closure by stealth through neglect. Yesterday was a red-letter day for education in Geelong, especially for James Harrison Secondary College.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! Before I call the next speaker I ask honourable members to lower the volume of their conversations, as I am having difficulty hearing.

### **Workcover: premiums**

**Mr DELAHUNTY** (Wimmera) — This being National Youth Week I rise to voice my concern for country youth and the many businesses in the Wimmera electorate that are incensed by the massive increase in Workcover premiums. A number of people who have contacted me are very upset about these large increases. I received a letter from one business, employing seven people, whose premiums have increased 55 per cent. The writer said he feels that these large increases are yet another imposition and an excessive loading on the cost of running a business. His business is questioning its ability to employ staff in the future as Workcover becomes one of the many components that erode confidence in its future.

On 3 August the *Herald Sun* reported under the heading 'Workcover squeeze on jobs' that a business employing 74 people was contemplating laying off part-time staff or reducing staff hours. The Victorian Automobile Chamber of Commerce said that many of its members would be driven out of business.

Young people are our investment in the future and they need jobs. With payroll tax still in force and Workcover premiums skyrocketing it is little wonder employers are reluctant to employ staff. So much for this

government's promise to look after country businesses and young people looking for jobs!

### **Viewbank College**

**Mr LANGDON** (Ivanhoe) — In National Youth Week I commend the students of Viewbank College on their annual play. I will read from the program fairly quickly and table it so that the honourable member for Forest Hill can read all the names.

Last week the college, which has been performing plays for many years, put on an outstanding play. I have been involved with and have sponsored the college for three or four years, and I commend the students, the school and the parents involved on their work. In particular I express my appreciation to Adrian White, Anita Da Silva, Douglas Montgomery, Tamara Macanovic, Jayne Lovelock, Daniel Koop, Scott Crawford, Lelda Kapsis, Jacob Shotade, Ainsley Maltby, Melissa Reidy, Kylie Martin, Joshua Atkins, Erin Rogers, Enzo Teves, Paula Kalinowski, Adam Lyons, the director Scott Ramsay and all the people who supported the play. The performance of Shakespeare's *A Midsummer Night's Dream* was outstanding and everyone involved should be commended on their work. My family and I thoroughly enjoyed the evening.

### **Workcover: premiums**

**Mr VOGELS** (Warrnambool) — The Workcover premiums announced by the government have had a devastating and disastrous impact on business in the south-west of Victoria. My office in Warrnambool has been inundated with faxes, emails, letters and phone calls from employers who are both angry and concerned. There is no doubt that jobs will be lost and any plans for expansion or redevelopment have been put aside. The greatest disappointment is that there is no reward for having a safe working environment, as most of the employers with the biggest increases have no-claims records. Business cannot continue to succumb to the levies and charges of a government that is totally devoid of any understanding of small and large business alike.

Many businesses will lay off staff. The famous Clarke's Pies in Mortlake has had to reduce its staff by 15, and some \$400 000 less in wages will go into that community this year. The manager of the Whalers Inn in Warrnambool states that anger does not adequately describe the legalised extortion he feels he is being subjected to. Another five jobs have gone.

The business premium of the Warrnambool Motor Group has gone up by nearly 50 per cent and it has now cancelled a major redevelopment that involved doubling its workshop. That would have created another six jobs, so six more jobs have been lost.

From the feedback I am getting, millions of dollars will be taken out of the south-west alone. The Bracks Labor government is killing small and large business. The employers in my electorate demand an immediate review of the changes.

### **Drugs: supervised injecting facilities**

**Mrs MADDIGAN** (Essendon) — I personally express my disappointment that the opposition parties in Parliament have not been prepared to give supervised injecting rooms a fair trial. I shall read a letter I received from one of my constituents. Many people have written to me about this matter.

*Honourable members interjecting.*

**Mrs MADDIGAN** — Members opposite should listen to what community members say. The letter states:

As a person who has had many years of experience in the criminal justice system, I have witnessed first hand the devastating effects of heroin addiction. I have seen addicts lose everything including their freedom and I have personally seen what heroin addiction does to families ...

... The 'zero tolerance' campaign of law and order —

**The SPEAKER** — Order! Stop the clock. The Leader of the National Party, on a point of order.

**Mr Ryan** — On a point of order, Mr Speaker, the honourable member's contribution clearly breaches the rule of anticipation. Legislation before the house will deal with this issue and therefore it should not be the subject of discussion in this manner.

**The SPEAKER** — Order! I do not uphold the point of order. I do not believe the honourable member for Essendon is infringing the rule of anticipation. She was referring to comments made by a constituent.

**Mrs MADDIGAN** — Obviously that was an attempt to stop discussion of people's views, which is exactly what the government expects from that lot over there!

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Polwarth will cease interjecting forthwith.

**Mrs MADDIGAN** — The letter further states:

For anyone who lacks the tolerance or the understanding of the devastation caused by heroin I suggest they spend some time in the Magistrates Court or the emergency section of a public hospital. It would be a valuable lesson. As a community we should be supporting and encouraging those who are the victims of heroin addiction, rather than lacking the courage to try something new.

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

### **Workcover: premiums**

**Mr PLOWMAN** (Benambra) — I refer the house to the financial difficulty faced by all bush nursing hospitals in Victoria, but most importantly by those in my electorate — namely, the Yackandandah, Chiltern and Walwa bush nursing hospitals. Their financial problems have been compounded by the incompetence of the Minister for Workcover and the government in introducing Workcover changes that have led to a 71 per cent increase in Workcover premiums for the Chiltern bush nursing hospital, a 50 per cent increase for the Yackandandah bush nursing hospital, and a 20 per cent increase for the Walwa bush nursing hospital.

Those three bush nursing hospitals provide an invaluable service to their small battling communities in country Victoria. The government says it is in favour of supporting country Victoria, but what is it doing to support the interests of country Victorians when the lifeblood of three country towns is at risk because of the incompetence of this minister? On that basis alone, the government should be condemned.

### **Very Special Kids**

**Mr STENSHOLT** (Burwood) — Today I pay tribute to the Very Special Kids foundation, which is just down the road from my electorate. The foundation supports terminally ill kids with degenerative diseases and their families, particularly by providing respite and palliative care — and what a great job it does, too.

A couple of weeks ago I represented the Premier at the launch of the foundation's Pink Piggy Banks fundraiser for this year, which will be coming to a town near you in the next few weeks. The foundation also has something for honourable members who know all about where pigs might fly — Pink Stress Pigs. I recommend that all honourable members get one of these for a small contribution to help the Very Special Kids foundation. They will help all honourable members, particularly opposition and National Party members, to de-stress during question time and

stressful press interviews. May the pigs fly — by the honourable member for Malvern in particular — for those very special kids!

### **Workcover: premiums**

**Mr DIXON** (Dromana) — The massive Workcover premium increases have hurt not only the businesses in my electorate but also many of the charitable organisations that do such a great job in our community. The Wongabeena Association in Rosebud, which is an adult training and support service for intellectually disabled adults, has just received its Workcover premium increase. The association comprises a wonderful group of people who equip adults with intellectual disabilities with all the life skills they need to be contributing members of our society. They do a wonderful job.

Last year the association's Workcover premium was \$15 203. The bill for the premium that landed on its desk this year is \$23 922 — more than a 50 per cent increase. The association does not know where it will get the money from. I call on the Minister for Community Services to increase the funding for Wongabeena Association to cover the cost of the stupid decision of this uncaring Labor government. If increased funding is not provided, the association will have to cut its services, with the result that members of our community who have the right to protection, and who should be protected, will suffer from the Workcover premium increase — no-one else. It is bad enough for businesses, but these people should not be bearing the brunt of increased Workcover premiums.

### **Edithvale Urban Fire Brigade**

**Ms LINDELL** (Carrum) — I ask all members of the house to join me in congratulating the Edithvale Urban Fire Brigade on its 75th anniversary. The brigade has provided 75 years of dedicated service to my local community. In July this year the Minister for Police and Emergency Services attended the brigade's annual dinner and presented a number of awards. Two of those awards were in recognition of 35 years of voluntary service provided by Mr Phil Jones and Mr Neale Marlow, the secretary of the Edithvale Urban Fire Brigade.

The brigade's champion firefighter was Scott James. The firefighters have had a number of turnout awards, and the 2000 award has been given to Andrew Gibson.

### **PERSONAL EXPLANATION**

**Ms DELAHUNTY** (Minister for Education) — Mr Speaker, I wish to correct some figures I referred to in the house last evening. As part of an answer, planning program totals for some regions were inadvertently ascribed to a school within that region — that is, the figures are for the region rather than a school in the region. The total planning program figure of \$160 million for all 200 schools is correct.

### **GRIEVANCES**

**The SPEAKER** — Order! The question is:

That grievances be noted.

### **Workcover: premiums**

**Mr CLARK** (Box Hill) — Mr Speaker, I grieve about the bungled model of Workcover premium increases introduced by the government. I grieve also about the Minister for Workcover's role in inflicting that model on Victorians. For weeks now the minister has been hiding behind a long list of feeble and inaccurate excuses, seeking to blame everyone but himself for what has happened. But last night during question time the minister blew his cover. Not only did he show that he is fully aware of the flaw at the heart of the bungle; he even tried to defend it. Honourable members still do not know all the facts about how the minister came to make this monumentally incompetent decision, but what is now clear is this: that the minister either did not think or did not care, and Victorians are now paying the price in terms of jobs and service cuts.

Furthermore, since that decision the minister has time and again failed to bring the consequences of his decision to the attention of employers, the general public and, for all we know, his colleagues. In doing so, he has further compounded the damage his bungle has caused. What is the bungle that has inflicted so much damage and led the Premier to intervene over the top of his minister to try to minimise the political, if not the economic, damage it has caused? As is so often the case, the error is simple but the consequences are devastating.

What the minister has done is impose a 17 per cent across-the-board increase in premium rates on top of the cap on premium increases that has protected employers in the past. He has done so at the same time as industry premium rates — that is, the rates that apply to a typical firm in a particular industry classification — have been increased. There has been an increase of more than 20 per cent for 275, or more than half, of the

total 518 Victorian industry classifications. Those increases in industry rates by themselves have pushed thousands of employers up to the cap level of 19 per cent for small employers, or higher for larger employers, and the 17 per cent across-the-board increase has then lifted premium rates for those employers to between 39 and 40 per cent or even more for larger employers.

For many employers the actual percentage increases in their Workcover bills have been even greater than the percentage increases in their premium rates because payrolls have tended to increase in line with wages growth. To make matters worse, thanks to another innovation of the current government, those employers who did not provide a wages estimate to Workcover were for the first time hit with a deemed 20 per cent increase in their payroll. Those are the bare facts, but the bare facts say nothing about the damage that that decision has caused. Real people, real jobs, real hopes and dreams are being badly affected by that decision.

The problem has been compounded by the lack of notice. The first notice most employers received of all of this was when their premium notices arrived in the post over the past few weeks. They may have budgeted for an increase of around 17 per cent, but they have no way of suddenly finding the cash to pay the 39, 40, 50 or even higher percentage increases they have been hit with.

All we have heard from the minister to date has been a string of feeble and inaccurate excuses, many of which have been parroted by his leader. Excuse no. 1 is that premiums are still below the national average and lower than any state except Queensland. That is wrong. The government deliberately set premiums at exactly the national average. Honourable members should see page 37 of the government's working party report. On the standardised basis of comparison used in that report Victorian premiums are now higher than not only those in Queensland but also those in Western Australia, South Australia, the Northern Territory and the commonwealth. That can be seen in appendix B of the latest Workplace Relations Ministerial Council report of April 2000.

Excuse no. 2 is that much of the increase was due to the need to eliminate the unfunded liability in Workcover. That is wrong. If it had been left unchanged Workcover would have been back in the black by 2001. The running cost of the old scheme was 1.72 per cent of payroll and the running cost of Labor's new scheme is estimated at 1.94 per cent of payroll, an increase of 0.22 per cent. Add to that the 0.07 per cent cost of making so-called common-law legal actions

retrospective and the total increase is 0.29 per cent, which more than fully covers the 0.28 per cent increase from 1.9 per cent to 2.18 per cent in average premiums imposed by the government.

Excuse no. 3 is that only 5000 employers out of 204 000 have had increases of more than 40 per cent. That is highly misleading. The government knows that because of the way the increased formula is structured there are tens of thousands of employers who have been hit with premium rate increases of between 39 and 40 per cent.

The next excuse is that all of the increases can be explained. So what? Those massive increases are doing exactly the same damage to employers regardless of whether the calculation of their increases is in accordance with the premiums order. That is an example of the arrogance of a minister who says, 'The arithmetic adds up, so stop complaining and pay up'.

The next excuse is that 80 000 employers failed to notify remuneration figures because they were worrying about the goods and services tax. Again that is highly misleading. The government has not made clear that in the past the default remuneration increase that applied when the employers did not respond to such notices was an increase in line with inflation. This year for the first time an increase of 20 per cent was imposed when those forms were not returned. It is no wonder 80 000 employers have been caught by that decision.

The next excuse, which was made as recently as last night, is for the minister to say, 'If I had not imposed the across-the-board increase on top of the normal increases, large employers would end up paying the bulk of the increase'. That is a typical bureaucratic answer. It is as good as saying, 'The logic of the model compels us to impose increases that will cost thousands of jobs so we have no alternative but to go ahead and do it'. That line of reasoning asks, 'What is the difference between a 20 per cent increase and a 40 per cent increase? It is all the same, really'. Where was the reality check by the minister? Where was he performing his role of exercising judgment and of asking the fundamental question, 'Can employers afford to pay?', coming up with the answer, 'No, of course they cannot', and therefore saying, 'We have to find a better way of doing it'.

The previous government did that in 1993 when it was faced with a similar issue of land tax increases. The previous coalition government did not blindly impose massive 30, 40, 50 or 100 per cent increases. Alan Stockdale and the entire Kennett government insisted

that a better way be found, and a better way was found. The minister should have been doing exactly the same thing in the present case.

The next excuse is that 31 per cent of employers have had a reduction in premiums. Last night the minister repeated that statement in the house. All I can say to that is, 'Show us the figures'. Only 43 industry classifications out of 518 have had a reduction in the industry rate. The remaining 475 industry rates have either increased or remained unchanged, which means typical small to medium-sized firms in those classifications would have had a premium increase of either 17 per cent or more than 39 per cent. I cannot see how the minister's claim squares with that fact, and I call on the minister to make public his figures.

Indeed, the one thing that is clear in this debate is that the numbers just do not add up. The government persists in claiming that the average premium rate has increased by only 17 per cent. However, on my calculations, the typical employer in about 44 per cent of Victorian industry by payroll has had an increase in premium rate of upwards of 39 per cent, the typical employer in about 42 per cent of Victorian industry has had an increase of about 17 per cent, and in only about 14 per cent of Victorian industry has the typical employer had a decrease of around 3 per cent or more. How on earth does that add up to an average increase of only 17 per cent?

When the Victorian Employers Chamber of Commerce and Industry called off its public meeting last week the government promised the chamber it would provide a full explanation of those figures. However, when the government hastily cobbled together a package late on Monday evening all it was able to produce was yet another promise to provide full disclosure. This so-called open and accountable government has gone out of its way to avoid providing any account to the public of how those increases have been arrived at.

As its final excuse the government seeks to blame the people who work for it — the Victorian Workcover Authority. What it does not acknowledge is that the authority has simply been doing the government's bidding on that matter. It is the government that has consistently tried to avoid disclosing the true extent of increases flowing from that bungled model. I refer to the document issued by the government in April entitled 'Restoring your common-law rights — going forward'.

The document gives an example of an iron and steel forge that allegedly would face a premium increase of 14.7 per cent. When one does the arithmetic one finds

that in practice such an iron and steel forge has been hit with a massive \$18 508 premium on a payroll of \$1 million, an increase of 39.33 per cent. That is totally at odds with the document the government has published, and all the authority has done since then is simply follow in the footsteps of its master. I call on the minister to tell the house exactly what role he and his office had in vetting those documents issued by the authority.

The evidence is compelling that the minister consciously decided on the bungled premium increase model and has consciously sought to avoid any full disclosure that would have warned employers of what was about to hit them. The public, and employers in particular, are entitled to demand a full explanation now of what has been going on. Even more importantly, they are entitled to expect further action to redress the damage that has been inflicted on them. The package that was cobbled together on Monday night does little more than grant a short-term reprieve to employers while doing nothing to tackle the fundamental problem that many employers simply cannot afford to pay increases at the level demanded of them.

What is needed now is simple. The government must immediately put on the table all the facts and figures underlying its increased calculations. That should not be too much to ask of a purportedly open and accountable government. Once those figures are on the table people can see for themselves exactly whether the numbers do add up and what scope there is for the government to give genuine relief to employers for the damage that has been inflicted on them. Rather than seek a political resolution to the problem the government must seek a real solution, one that must go some way to addressing the enormous damage that the minister's bungled decision has caused Victorian employers.

### **National Party: performance**

**Mr LENDERS** (Dandenong North) — I grieve for the state of the National Party. In doing so, I note there is not a single National Party member in the chamber, which is probably part of the reason one wants to grieve.

The National Party is the successor to a great party that was formed for a particular reason. Early last century the metropolitan areas of Australia were dominating the regional areas and people in those regional areas were demanding a voice in government. They wanted their areas represented in the parliaments of the country so that the unique needs of Australia could be met. The circumstances surrounding the formation of the once

great Country Party are more than reflected in the situation in Australia today. I grieve for the National Party because it has betrayed its roots.

As I grieve for the National Party, I reflect on what its members must be thinking now. Given that the majority are men and none has a beard, I suggest that when they look in the mirror while they shave in the morning they probably see not their own reflections but three faces that frighten them considerably — those of the former members for Warrnambool, Gippsland East and Benalla. They come back to haunt them because there is now a new face of rural and regional Victoria and it comes from the Labor, Independent and Liberal corners, because the National Party is no longer relevant and its constituency has turned against it with a passion.

The Country Party had a great history. It was a party that cared for rural communities. At its highest point, as recently as 1970, it had 18 representatives in a smaller Victorian Parliament, and as recently as 1975 it had 8 representatives in a smaller federal Parliament. Both lots of representation have been decimated, which is why I grieve for the National Party.

I will go through the Victorian experience. Around the time of World War II the Dunstan Country Party government managed to govern the state in coalition at various times with the support of both the Labor and Liberal parties.

Although at the time there was a lot of criticism of the actions of the Dunstan Country Party from both the other parties, it existed to improve the lot of country Victoria. In this place it did whatever it needed to do pragmatically to look after the interests of its own constituency, which was rural and regional Victoria. In doing so the members of the Dunstan Country Party unashamedly sat back and said, 'If it is good for my region and my electorate, it must be good for my state'. In that scenario the government was not captured by ideologies: it was simply captured by the pragmatic reality that to look after country and regional Victoria it had to act accordingly in the Parliament.

I grieve for the National Party today because it has forgotten those fundamental lessons of why the former Country Party was formed, why it was successful and why it held government in this state in the Dunstan years. After the Dunstan years there was a long slide for the Country Party. It lost government first to a majority Liberal government, then to a majority Labor government, then to a majority Liberal government, then to Labor — it went through the cycle several times. Throughout that time the Country Party did not

forget its roots and did not forget that people in rural and regional communities were voting for it because they wanted a voice. They wanted a unique voice that would look after their interests, not a voice that was captured by the perks of government rather than by the ability to use government to improve rural communities.

In 1991, the National Party, the Country Party's successor, decided that the pursuit of government under any terms was more important than looking after its own community, so it formed its infamous coalition agreement with the Liberal Party, whereby the spoils of government were divided. That was critical. Of course, in 1992 when the Liberal Party was elected to government in its own right with massive majorities in both houses, the National Party decided seats at the cabinet table and white cars were more important than defending the interests of its own constituents against a ruthless, economic rationalist, dry, cutting government that governed for the centre of Victoria and treated the toenails — as it described the rest of the state — with contempt.

During the Kennett years — we could call them the Kennett–McNamara years — with the National Party totally compliant, a range of things happened. One has to question why the National Party wanted to remain in coalition. I refer to the slashing of health services in Victoria, which impacted particularly on country Victoria. When you just keep on cutting, chanting the mantra 'Dry, dry, dry', it is the services in the regional cities and the small country towns that go first. I grieve for the National Party because it could not see its own constituency was being butchered by the Liberal and National Party government, and happily went along for the ride.

I refer to education services during those seven long years. Four, and later three, National Party ministers sat around the cabinet table as country school after country school was closed and as regional education services were closed. It is little wonder that in 1996 and again in 1999 the voters turned on the once great National Party and said, 'Why should we vote for you? You don't care'.

I refer to the cuts that were made to police services in the country. During that period National Party ministers for police watched the demolition of police services in the country. Again, voters started to wonder why.

In grieving for the National Party and its being hoodwinked into becoming a part of the Kennett government I refer to the now infamous compulsory competitive tendering process. I vividly recall that

during the Cain years consultation was undertaken to deal with municipal amalgamations, which that government ultimately abandoned because of community opposition and sheer obstructionism by the then opposition. During that time the champion of municipal autonomy and the benefits of municipal services, particularly in rural areas, was the National Party.

I do not need to remind honourable members that the centre of that campaign to defend local government was in Nagambie in the former Goulburn shire in the Benalla electorate of the then Leader of the National Party. The Goulburn group out of Benalla — that is, out of country Victoria — led the charge to defend local government. The argument was that if you started to take the ‘local’ out of local government, services would decline, country towns would decline and morale would decline, as would participation in Parliament — in other words, all those vital aspects would decline. The National Party was at the forefront of the campaign to keep the ‘local’ in local government.

I grieve for the National Party because as soon as its members were presented with the lure of the white cars and seats around the cabinet table, its defence of local government and of country areas evaporated. I draw the analogy with dryness because of the ‘Dry, dry, dry’ mantra coming from the Kennett cabinet. The National Party acquiesced in and supported probably the greatest destruction of local government in the state’s history, and again it bears the consequences.

It agreed not only to the dismantling of the local government system as we knew it, but went further and agreed to the appointment of non-elected commissioners in rural communities. The patronage of the then state government in appointing commissioners was ruthlessly used to support many Liberal Party and National Party identities in regional and rural Victoria. As a result local communities were disenfranchised and disempowered. Those communities became angry because one of the strengths of the Country Party in its early days was its calling for a voice for rural communities. That voice was denied. It was denied in Spring Street — it was a self-gag — and it was denied in every regional government area because the appointees at Spring Street were now running the show.

In that environment not only were local voices gagged but compulsory competitive tendering was introduced. In grieving for the National Party and for where rural Victoria went, one has only to look at compulsory competitive tendering, which killed off many jobs in the country. I use the example of the former Shire of Metcalfe, which was a victim of compulsory

competitive tendering. Metcalfe is in the electorate of Gisborne, and honourable members know the outcome in that electorate. My colleague the honourable member for Gisborne is here and could tell us more about Metcalfe. I grieve for what happened in country Victoria. Metcalfe lost its shire depot, and once the depot went the downward spiral continued. In the end it lost its school and more and more services, and now a number of shops in Metcalfe are open only part time and people commute to Kyneton.

That is an example of why I grieve for the National Party. A party that once prided itself on defending rural Victoria was the agent of destruction in rural Victoria. It is only through the efforts of the Bracks Labor government in growing the whole state that a lot of the damage is being fixed.

Where to now for the National Party? Clearly there is a niche for the National Party. The Leader of the National Party worries every time he looks at the honourable members for Benalla, Warrnambool and Gippsland East, particularly the honourable member for Warrnambool, because they took seats from the National Party. Their erstwhile colleagues from the Liberal Party are also taking them for a number of reasons.

How does the National Party deal with this? It needs to protect itself from four-cornered contests. That is its agenda now. It has two new white cars as part of its arrangement of not being part of the partnership. It is obviously wondering what it will do for the Senate ticket in 2001, because Senator Julian McGauran will certainly not be re-elected based on past voting patterns. How will it protect him? It needs to protect the public funding allocation agreement it has with the federal Liberal Party, so it is looking to that. Those are the issues it is concerned about rather than defending rural and regional Victoria.

The current parliamentary National Party is obviously focused on the fact that the honourable members for Shepparton and Wimmera are here only through Labor preferences, as is a member for North Eastern Province in the other place. Its focus now is on the survival of its existing seats in this Parliament rather than on looking after its own constituency. I note that the only notice on the notice paper from any member of the National Party is one from the Leader of the National Party defending the previous government’s record of privatisation. National Party members clearly have not listened and have not learnt.

The final point I will touch on in the limited time left to me in this grievance debate is the reason the National

Party is now so out of touch with its own community. Of all the political parties in Australia, it is the least representative of its constituency. Its affirmative action policy for women in Parliament is the worst in the country, with 11 women out of 100 members of Parliament in the country compared with a figure of 29 per cent for the Labor Party and somewhere in between for the Liberal Party. It does not even claim any longer to represent its own constituents. I use the illustration of dairy farmers. There are more people in this chamber from other parties who represent the dairy industry than there are from the National Party. If I had more time I would be happy to expand on that.

Where does the National Party go from here? It has six members in this chamber, and members of the Liberal Party are breathing down their necks. As the honourable members for Shepparton and Rodney know only too well, the Honourable Sharman Stone, the federal Liberal member for Murray, has replacing both of them on her agenda.

I have no better source for that information than the former Leader of the National Party, Pat McNamara, who at the 1996 North Eastern Province preselection convention said that the real enemy was Sharman Stone and her three electorate officers in Shepparton. The Liberal Party is gunning for the National Party members in the Legislative Assembly seats of Shepparton and Rodney. We know that in the Legislative Assembly seat of Wimmera Garry Cross ran at one election as an Independent but in the next ran as a member of the Liberal Party. It is clear the Liberal Party has a long-term strategy to take that seat. That is no surprise given that Chris Hazelman ran as an Independent for the Legislative Assembly seat of Shepparton at the last election, with Sharman Stone's supposed support.

The only National Party representative who has not lost the support of his constituency — I do not want to blacken his name by giving him my tacit support — is the honourable member for Murray Valley. He has never forgotten his roots. Members of the National Party must assert themselves. They should look at the Independents in this chamber and ask themselves why they are succeeding. They are succeeding because they are courageously speaking up for rural communities. Members of the National Party should look at the honourable member for Benalla and ask themselves why she is succeeding. She is succeeding because she is speaking up for country communities; she is standing up for the country, and she has not been dominated or cowed by a Melbourne-centric Liberal Party whose chant is 'Dry, dry, dry'.

Why was a National Party member not elected for the Legislative Assembly seat of Warrnambool? The Liberal Party picked a local dairy farmer who had lived and worked in the area and who engaged with people better than his National Party opponent did. I have probably damned the honourable member for Warrnambool with my praise!

I grieve for the National Party because its members have totally lost touch with rural and regional Victoria. They are in a real dilemma. How do they defend their 12 rural seats and re-engage with their communities while keeping the option of the white ministerial cars alive? The answer is they cannot do both. They need to go back to their constituents and find out why Benalla, Warrnambool and Gippsland East went to other candidates.

In the past year the National Party has lost a third of its seats, and its remaining seats will go elsewhere unless the lesson is heeded. For that reason I grieve for Victoria. Regional and rural Victoria deserve better than that. They deserve members of Parliament who look after them. The Labor government has 13 members looking after rural and regional Victoria. It would be a good thing for rural and regional Victoria if National Party and rural Liberal Party members lifted their game.

### **ALP: election commitments**

**Mr RYAN** (Leader of the National Party) — What a snide, sniping performance that was from the honourable member for Dandenong North. The honourable member was the state secretary of the Australian Labor Party during those halcyon days of the Cain and Kirner governments that brought Victoria to its knees. Is that any surprise? The only thing that is surprising is that the honourable member is using the valuable time of the grievance debate to get involved in that sort of rubbish. I suppose it is a measure of what we have on the Treasury benches.

I grieve on behalf of all Victorians, but country Victorians in particular, about the lack of effort of the current government. I refer to the litany of unfulfilled and broken promises made by the government. I will refer to some specific and some general issues.

I turn now to the specific issues. By way of preamble I inform the house that I travel to every part of Victoria — which is a lot more than the honourable member for Dandenong North does. I do around 8000 to 10 000 kilometres a month. I therefore regularly have the opportunity to talk to country Victorians on their

own ground. I bring that experience to this debate when I make my comments.

Last week I was in the electorate of Gippsland East. The honourable member for Dandenong North kindly raised the issues concerning that electorate. I was talking with people in Swift's Creek about yet another unfulfilled promise made by the government. The Labor government of which the honourable member for Dandenong North is a member made an unqualified promise to the people of Swift's Creek that it would reopen the timber mill. The Minister for Energy and Resources in another place promised the people of Swift's Creek that the government would reopen the mill. The Minister for State and Regional Development and the Minister for Environment and Conservation made great play of the promise that the government would reopen the mill during the term of this government.

What has the government done? Absolutely nothing. It has commissioned another report — one of the 139 reports presently being compiled in Victoria. The government is doing a lot of talking but not enough doing. It has left the people of Swift's Creek high and dry. It has promised to send someone up there to have further talks and supposedly to improve the lot of those people. The government promised it would reopen the mill, but it has turned its back on those people. It has deserted them.

I now refer to the development of Seal Rocks at the Nobbies, where I was earlier this week. It is a \$28 million development, but the government is at war with people who have gone through the agony of getting the development up. It is a magnificent location. I strongly urge the honourable member for Dandenong North, if he ever gets out of Dandenong North, to look at that development. If he visits it he will be the first member of the current Labor government ever to have set foot in it. What a disgraceful performance!

The government has made a policy decision that is against the development at Seal Rocks. It is utterly committed to destroying the project, one of the great development projects in Victoria. In order to secure government the Labor Party made a policy decision to trade off the development for the vote of the honourable member for Gippsland West, and not one member of the current government has ever had the courage to visit the development and see what it entails. What an unmitigated disgrace!

Then we have the ongoing saga of Essendon Airport. The government is taking delivery of aircraft that will help in the provision of ambulance services for country

Victoria, but when it gets the chance it is going to shut the airport where those aircraft will land. What a circus! Where are the 13 members of the Labor government who supposedly represent country Victoria on the issue of Essendon Airport? The Minister for Local Government represents Bendigo West. What is his position on keeping Essendon Airport open so that country Victorians who need ambulance services to give them access to the hospitals in Melbourne in an emergency have those services?

Workcover is a debacle for all Victorians, but particularly for country Victorians. I have received numerous letters from people who are horrified at what has happened to their businesses because of the increases in Workcover premiums. Max and Janine Wateley, who run the Kalimna hotel, were clients of mine when I had a legal practice in Gippsland. Visiting the Kalimna hotel is a great day out and Max and Janine provide an extremely good meal that I can strongly recommend. The hotel is in the electorate of Gippsland East. Some days ago they sent me a fax in which they said their Workcover premium, despite their having had no additional claims experience, had increased from just under \$4000 to just under \$8000 a year. They want to know how that can possibly occur. It is a fair question.

This morning I received a fax from Ross Cosmetics Australia Pty Ltd of Tullamarine. The honourable member for Tullamarine is not presently in the chamber, but she may be listening to the debate elsewhere. Mr Don Ross, the managing director of the company, told me he sent a fax to Mr W. Mountford, the chief executive of Workcover, saying:

You are forcing us out of business.

We are a 70-year-old Australian manufacturer, employing approximately 100 people at Tullamarine.

Our latest premium from GIO, our insurer, is \$266 402, which relates to 3.76 per cent of our payroll. This compares to a premium of \$126 270 or 2.55 per cent of our payroll for the period 1997–98. The current premium represents an increase of 56.6 per cent on the previous year.

What an absolute disgrace!

Mr Ross sent that fax to Workcover and copies to other people in a desperate endeavour to get some assistance. What is the best this so-called government can come up with? It has offered a compromise. It is like saying we should go to the other end of the *Titanic* because we might get another hour before the water arrives.

The government has the stupid notion that it will give people another week, month or whatever to pay the increased Workcover premiums. The media release

issued by the minister's office a couple of days ago after another summit — I will return to the summit in a moment — contains a delightful phrase. Part of the compromise deal states:

A process whereby the Workcover authority agrees to provide full disclosure of information relating to industry rates and premium calculations to employers to assist in explaining fully recent changes.

Is that not a gracious and wonderful thing to do? The Victorian Workcover Authority will tell the people affected why it is pinching money from them. What a classic!

Country Victorians will inevitably lose jobs because of the government's action, and they are worrying about it to the point of panic. It is a debacle. Government members are talking about a compromise. The honourable member for Dandenong North has the temerity to talk about what the National Party is supposed to have done to country Victoria while havoc is being wreaked on businesses in rural and regional areas, where Victoria's high-risk industries are located.

People associated with the timber industry do not have their businesses in Dandenong North; they are out in the country. People involved in anything to do with heavy manufacturing do not have their businesses in Dandenong North — that is where the Heinz factory is closing, in case the honourable member has forgotten; they are also in country Victoria. The government is smacking those industries around the ears. Let us get some of those issues in proper perspective.

The other great irony is that the union movement, which the honourable member for Dandenong North used to represent, has been sold a pup. It has been told that the premium increases will fund the return of common-law rights. That is a furphy. I practised in the area of common-law rights for 20 years, and after examining the bill I can say that it contains more obstacles than there are in the Olympic 400 metres hurdles!

People will not be able to qualify to make a claim. During the coming months I will be asking the minister how many certificates have been issued to enable injured workers to make claims under the new common-law system.

**Mr Cameron** — None.

**Mr RYAN** — None, says the minister. Thank you for the interjection! The Minister for Workcover is absolutely right, because over the coming months we will see what the Workcover minister has told us

become a reality — no-one will be able to qualify to make a claim. Victorian injured workers have been sold a pup.

**Mr Cameron** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! The minister will remain silent.

**Mr RYAN** — No, Mr Acting Speaker, I would let him go. He is doing very well. We have the double whammy: on the one hand, the government is pinching money from employers who are battling to keep people in employment and, on the other hand, it is stopping money being paid out to injured workers because it has sold them a pup. It is a disgraceful state of affairs for country Victorians.

What are some of the other issues worrying people in country Victoria? What is happening in industrial relations circles? The honourable member for Dandenong North expresses concern about the National Party at a time when oil industry workers and power workers have been on strike, nurses are applying work bans and teachers are about to get into it again. How are the teachers faring with their 24 per cent pay claim? And kindergarten teachers are also on strike. Whatever the coalition did or did not do when it was in government, it was still able to talk to the kindergarten teachers; in fact, the former government had a great arrangement with them. It is a disgrace that our kindergarten teachers were forced to march on Parliament House.

Psychiatric nurses are also involved in industrial disputation. If I had more time I would go through the rest of the unions. I will not worry about that now because I can see the honourable member for Dandenong North is blushing following his recent contribution.

What has the government done to solve all those problems? It held a summit. I took part in the summit earlier in the year. The summit was to be a great gathering between the employers and the unions. All the union people, of whom the honourable member for Dandenong North was one when he was secretary of the state Australian Labor Party, turned up and sat in this chamber, and it was a delight to behold. It was almost a case of arms around each other singing the national anthem. What do we have four months later — industrial chaos!

Regional and rural mayors were in Melbourne last week for another summit. They chatted for a couple of days and no doubt enjoyed the occasion. If I were a

mayor of a country Victorian municipality — certainly a municipality in Gippsland, which is well east of where the honourable member for Dandenong North resides — I would love to come to Melbourne for a couple of days and discuss what makes Victoria tick. However, what was the feedback from those municipal representatives? They asked, ‘Are they going to do anything? What are they going to do?’.

The state of Victoria is on pause. The Minister for Major Projects and Tourism has entered the chamber. I challenge him to name one major project in Victoria that the government has announced since it has been in government. Name one! Although it is a rhetorical question, I will be kind and answer it. The government has announced that it will build the Scoresby freeway. Talk about the biggest backflip in history. The government has found \$800 million, but where is it to be spent? On a freeway in Melbourne. That is great news for country Victoria. It’s wonderful stuff!

We should have another summit to bring together all the people who have the interests of Victoria at heart so that we can get the state going again, because it is at a standstill. The government is squandering the legacy left to it by the former coalition government. In the long term all the great things that were done to get the culture of Victoria right and cranked up to lead the nation will be dissipated.

The Premier cannot stand up in the house, as he did yesterday, and talk about indicators of progress 9 and 10 months into his governance when, as the honourable member for Dandenong North well knows — or should know — that sort of outcome can result only from years of planning. The government is reaping the benefit of a structure put in place after the former government repaired Labor’s \$34-billion black hole and its \$2.1-billion Workcover black hole. We got all that back into order, and the government is about to destroy that legacy because it will not do anything. The government cannot keep talking about it forever; it has to decide to do something and then implement its decision. The government has lost the plot: it cannot govern. That is best exemplified by the contribution of the honourable member for Dandenong North, who spent 15 valuable minutes of parliamentary time looking over his shoulder, as is the wont of this government, when he should have been looking forward.

### **Victoria University of Technology**

**Mr SEITZ** (Keilor) — I grieve for the Victoria University of Technology campus in St Albans and the direction in which it is going. The St Albans campus of the VUT came about as a result of the former Western

Institute being established with a charter to service the people in the outer west and to give them easy access to tertiary education.

I was one of the local people involved in identifying the need for the Western Institute, drafting the charter, and eventually getting it funded and on its way. The charter required campuses in Werribee, Melton, St Albans and one somewhere in the corridor between Sydenham and Sunbury, and ultimately the campus was established at Sunbury. With those four campuses the Western Institute was to cover the growth area of the outer west and the satellite cities in the western suburbs.

That area — especially the part of it surrounding my electorate as it was before boundary changes — encompassed a large migrant community, including recent arrivals and people from different cultures and backgrounds. Many of those people did not believe the cost of educating their daughters was warranted. It was expensive for their daughters to travel 2 hours a day on public transport to reach tertiary institutions on the other side of Melbourne in the eastern suburbs. It was worse if they had places in institutes in places such as Ballarat or Warrnambool, when the parents would have to meet accommodation costs as well, as their daughters could not make the daily journey to classes and lectures.

Many people in the outer west found it hard to get a tertiary education. The establishment of the Western Melbourne Institute of TAFE has made an impact on and changed the educational opportunities offered to the people in my electorate and in surrounding electorates.

Many students who are now successful in business, commerce and industry were given their opportunity to advance by attending the Victoria University of Technology. In its early days the Labor government made a commitment to increase the level of education in the western suburbs. One often hears negative comments about people in the western suburbs, but they, too, must be given the opportunity of receiving an education so they may advance in life. That education must be affordable and accessible.

The courses at the Western Melbourne Institute of TAFE were wide and varied. An opportunity arose to establish another university in Victoria. I and the former federal member for Maribyrnong, Alan Griffith, the former state member for Sunshine, Ian Baker, and others campaigned for a university in the western suburbs. Our aim was for the institute to become a university to service the western suburbs and have the

same charter to meet the needs of industry in the region through educating young people seeking a career.

It is history that a number of institutes became involved in the battle to become a university. The Footscray Institute of Technology and the Western Melbourne Institute of TAFE amalgamated to form the Victoria University of Technology, with a TAFE component to service the needs of residents of the western suburbs. Since its establishment the university has moved away from its original aims and objectives.

For economic reasons, particularly because it received federal funding, it has purchased a building and established a campus in the City of Melbourne. Study centres for masters and other degrees have been shifted from that suburban area to the city campus in Flinders Street, Melbourne. A number of courses offered at other regional institutes have relocated to the Footscray VUT campus. The VUT, like many other institutions, has joined in the export of education and has full fee-paying overseas students who bring in much-needed income.

My concern is about the need of the community in my electorate, because the citizens in my area are proud of the St Albans campus of the VUT, particularly because they feel it is part of the St Albans township.

The Sunshine Hospital campus should be named St Albans. The university is funding, developing and building on nearby land. Residents of St Albans need to feel part of and be involved with the university, although many people in St Albans do not even know that the university is close to their doorsteps; there are no signs when one drives in or out of St Albans. The university is inaccessible from the St Albans shopping centre, which a large student population frequents.

I hope the VUT will examine its future in the area bearing in mind the new commonwealth land subdivision that is located close to the university. People who move into that subdivision should have access to the university and be part of an integrated community.

A university funded by taxpayers' money should be available to service the needs of the community. It should look after the educational needs of residents of the western suburbs. The shifting of major courses and prestigious faculties away from the campuses in the three satellite towns of Werribee, Melton and St Albans — and, dare I say it, Sunbury — will leave only TAFE courses in those suburbs. That does not encourage people to seek further education.

Tertiary places must be made available for the people of my electorate; they should have access to all courses and not be precluded from obtaining marks that will enable them to obtain a university education.

Many 16 to 18-year-old students, often from war-torn countries, who have missed out on primary and secondary education should be able to have a proper education. The establishment of the VUT was intended to service the needs of those people. I understand that modern management requires a university to obtain additional funds from the full fee-paying students, but it should not forget its charter to service and be part of the community.

That is particularly the case in the outer western suburbs. That was Labor's main aim and the main reason a number of Labor members have campaigned, battled and lobbied to establish campuses of the Victoria University of Technology in regional and satellite areas, including in the electorate of Keilor. It is important to have first and second-year university courses available there. Young undergraduates should be able to attend classes in their own townships, even if in future years they need to travel to other locations to finish their courses. It is of vital importance that the VUT look at itself and involve its community. It must come back on track and recognise why it was established — namely, to meet the aspirations of the communities of the outer west, the very communities that lobbied for its establishment.

The VUT has gained a lot of respect in a short time, not only in the education fraternity but also in the general and business communities. It has achieved good standing overseas and is fortunate to have a lot of overseas students who pay full fees. However, the opportunity still exists to make the university, and particularly the St Albans campus, a viable and vibrant place of which the people of my electorate will feel they are a part. The young people could feel welcome again, and the campus could become alive with exciting courses offered by a range of faculties. It is not sufficient just to have courses considered to be of low status because such courses will never lift the status of the university or create an appropriate image.

Young people, particularly those living in the outer west, must be encouraged to seek a university education; and it is the job of a university to promote tertiary education within its community. If the VUT spent amounts of money in the western suburbs equal to the amounts it spends on the recruitment of overseas students the young people in my area who are struggling to find opportunities would be much better served. Industrial jobs are disappearing.

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

### **Workcover: premiums**

**Mr COOPER** (Mornington) — I join this debate to grieve for the small business community and the impact on businesses throughout the state of the changes to Workcover legislation made by the government.

The Labor Party's election policy on small business stated in part that Labor would give support and encouragement to small businesses and create a vibrant and dynamic environment in which small and medium-size businesses could thrive. The policy went on to state that 'a Bracks Labor government will be unashamedly pro small business'. In a press release of 11 April, released by the Premier and the Minister for Workcover, the Premier is quoted as saying that 'Workcover premiums will increase marginally'. In the same press release the Minister for Workcover is quoted as saying that the changes were 'responsible and affordable'.

It must have come as a shock to both ministers when on 9 August at a public hearing of the Public Accounts and Estimates Committee one of their ministerial colleagues, the Minister for Small Business, said that many small businesses were distressed by the receipt of Workcover premium notices containing massive increases. That statement by a ministerial colleague totally contradicts repeated statements by the Minister for Workcover, Mr Bob Cameron, who until the day before had been saying to everyone who would listen that there was not a problem with Workcover.

There is a very big problem with Workcover premiums. I have taken the time and trouble to go out and consult with businesses in my electorate and with other organisations throughout the state, and many of my colleagues on this side of the house have done the same. I doubt if any Labor Party members will have done so, however. They would not be game to go to see businesses in their electorates, knowing the reception they would get. The house and the government need to know the truth about what is going on out there at present. The minister is telling us the increases will be affordable, and the Premier is telling us that everything in the garden is lovely and that everything will be fixed up by delaying the payments for a month or so; but the reality for small businesses is that they still have to pay whopping increases in premiums.

I will detail some individual instances without revealing names, because the companies and organisations that have contacted me are apprehensive about being dealt

with harshly by the government or by the trade union movement if their names are mentioned. Businesses are aware there could be a significant payback. However, I have their complaints on letterhead and can vouch absolutely for all the instances I present to the house. They are fact, not fiction.

A real estate agent who operates in Mornington and Mount Martha has found his premiums have gone up by 66 per cent — from \$2153 to \$3569 — despite the fact that his wages bill dropped from \$666 000 to \$649 000 and he has made no claims since 1994. His comments to me were, 'I do not know how I will be able to stay in business', and, 'The new premiums are a major deterrent to employing extra staff'.

A food canning business operating in the Western Port area, the wages bill of which has dropped during the one-year period, has seen its premiums go up from \$21 384 to \$36 537 — a 70.15 per cent increase.

Running a retail bookshop in Mornington must be a dangerous business. Consider what happened to one such shop: its premiums rose from \$1498 to \$2753 — an 84 per cent increase — even though it has never made a claim. The owner of the bookshop said to me that government statements to the effect that the increases would be 15 per cent are false and blatantly misleading.

The premiums of a farm machinery business in Mornington have risen from \$2806 to \$5348 — a 90.56 per cent increase.

At the same time, the premiums for a vehicle repair business in Mornington, a business that has never made any claims, have risen from \$19 488 last year to \$29 540 this year — a 51.6 per cent increase.

Another real estate agent, this one in Hastings — —

**Mr Dixon** interjected.

**Mr COOPER** — Yes, as the honourable member for Dromana says, real estate must be a very dangerous industry. That agency had a premium of \$529 last year, and this year it is paying \$1276 — a 139.8 per cent increase. That business person says he will have to review employee numbers.

Last year a party hire business in Mornington paid a premium of \$1642, and this year it is paying \$2665 — a 62.3 per cent increase. Another business that has for five years been very successfully manufacturing shades for verandahs and so on in Mornington employs two people and has made no claims during its five years of operation. It has just been whacked with an increase in

premiums from \$2095 last year to \$4072 this year — a 94.4 per cent increase. A retailer in Main Street, Mornington paid \$270 last year and \$428 this year — an increase of 58 per cent.

The instances I have provided to the house in the limited time available to me are just a few samples. Since I wrote to every business in my electorate just over a week ago I have been inundated with letters, faxes, emails and phone calls. The messages I have received have without exception been from angry and distressed small business operators saying they have been misled by the government and will have to review employee numbers. They all say the people of Victoria made a great error last year at the election when they swapped from voting for the Liberal and National parties to voting for the Labor Party.

People in small business have all told me that they have been conned unmercifully by a callous and uncaring government — and there is no better example of that than in the area of disability service providers.

There are a number of service providers in my electorate, and there are others right around the state. I am glad to see that the honourable member for Bendigo East is in the chamber, because she has a disability service provider in Bendigo whose premiums went from \$36 513 last year to \$64 183 this year, which is an increase of almost 76 per cent. Perhaps the honourable member for Bendigo East might be prepared to do something about that with both the Minister for Community Services and the Minister for Workcover, who perhaps has a disability service provider in his electorate.

It is a pity the honourable member for Coburg is not in the house to hear that the Helping Hand Association in Coburg had a premium increase from \$14 899 last year to \$26 711, which is an increase of more than 79 per cent. The premiums for Melba Support Services went up from \$108 688 last year to \$197 327 this year, which is an 81.5 per cent increase.

The premiums of a disability service provider in the Yarra Valley went up from \$11 000 last year to \$21 800 this year, representing a 97.2 per cent increase. In the southern suburbs, one provider's premiums went from \$16 000 to \$29 000, or an 81.25 per cent increase. An eastern suburbs provider had a premium increase from \$32 941 to \$56 997, which is an increase of some 73 per cent.

The pièce de résistance is what happened to the organisation that looks after sufferers of Parkinson's disease. The premiums for Parkinson's Victoria went

up from \$1 845 last year to \$6 336 this year, which is an increase of more than 243 per cent!

Callous and uncaring is the description that fits those who have imposed those increases in the premiums of disability service providers. Where will they get the money to pay the increased premiums? Honourable members know where they will get the money from — they will get it from the money allocated to the area that would have provided services to the people they have been set up to look after.

The government has not come forward to help those organisations. We have not heard the Minister for Community Services and the Premier say they will allocate more money to assist those organisations to meet those huge premium increases. Therefore, all those organisations will have to find more money to deal with the damage that has been done.

The Minister for Major Projects and Tourism, who is the honourable member for Dandenong, is in the chamber. I am sure he would be interested to know that a disability service provider in his electorate has had a premium increase of some 34 per cent. He may say, 'Gee, that is low' — and it is low in comparison with what has happened to an organisation that has been hit with a 243 per cent increase — but it is still a huge amount of money. That particular organisation's premiums have risen from \$39 893 last year to \$53 446 this year. The people who are running that organisation, like all those who run disability service organisations, are worried sick about the fact that they will have to cut services to the people they have been set up to look after — that is, the disadvantaged in the community, who look to the government for assistance, not hindrance. That is really what has happened in this instance.

The government has introduced changes without knowing what damage those changes will do. I do not know whether it is incompetence or just stupidity on the part of the Minister for Workcover but whatever it is he needs to retrace his steps and start again, because the fact is that small businesses and other organisations in this state have been severely damaged by this unconscionable act by the Bracks government.

### **Universities: funding**

**Ms ALLAN** (Bendigo East) — I grieve about the federal Howard government's funding cuts to Australian universities. I grieve in particular about the impact of the cuts on regional universities such as the Bendigo campus of La Trobe University.

Universities rely greatly on the federal government for their main source of revenue. In 1998 just over half of all university operating revenue came from commonwealth government grants. However the Howard government is narrow-minded and mean-spirited, driven by opinion polls and ideology rather than good public policy.

Writing in the *Australian* on 29 July Dennis Shanahan states:

Since coming to power in 1996, the coalition has been sniping at its entrenched opponents on the education landscape — Labor, the education unions, academics and university students.

Nowhere is the Howard government's ideology more evident than in its university funding cuts since winning the 1996 federal election. Since that time university funding has been on a downward spiral. Universities' share of total federal spending has dropped from 3.1 per cent to 2.2 per cent, and a quick comparison will show how that has changed over the decades.

In the mid-1970s the great reformist Whitlam government opened up university education to all Australians, including those who could not formerly afford it. No longer was a university education based on the ability to pay; it was based on fairness and equity. It was a great reform for Australians and many people now give credit to the Whitlam government for giving them the opportunity to get ahead in life.

The silvertails opposite would not understand the importance of those reforms, but thankfully in 1970 Australia had a government that did. In the 1970s Australia had 270 000 university students and spent 1.4 per cent of its gross domestic product (GDP) on public funding for higher education. Twenty five years later under the Howard government Australia has 800 000 university students — an almost 66 per cent increase since the 1970s. But public funding is now less than 0.8 per cent of GDP — a decrease over 25 years. That is the responsibility of the federal government. The funding cuts to higher education are a disgraceful and short-sighted manoeuvre and impact on the Australian community in a number of ways.

Student-teacher ratios are escalating and have risen from 14 to 1 to 19 to 1. While that may not seem much on paper it makes a great deal of difference to the students. I speak from personal experience. I know what it is like to be in a larger university class. It is more difficult to access lecturers and teachers.

It is disappointing to see that the funding cuts have led universities to focus on being businesses rather than

education providers. It has led to cuts in the number of arts courses being offered including philosophy and the classics, and in the years ahead Australian society will come to regret that.

An arts degree provides a number of benefits to society. It provides a graduate with a developed intellect and the ability to reason, challenge, question, criticise and think for oneself. While a university education is a preparation for a career, it also encompasses the pursuit of knowledge and the search for truth. I declare a conflict of interest because I am an arts graduate. That is why I strongly support the university arts faculties.

It is important that there are people in society with educations founded on the arts. People who study the arts look back on history; they provide the social critique that opens people's minds to the world. Society cannot afford to lose its arts graduates but unfortunately the Howard government's mean and draconian funding cuts may make that a reality. Arts faculties find it more difficult to raise revenue and the outcomes and benefits for graduates are harder to quantify than those studying law, medicine and accounting. But arts are equally important to society.

It is yet another example of how the Howard government is driven by ideology rather than good public policy. It does not want university students and academics criticising its policies and decisions because it knows they will not measure up.

By way of example I cite the Howard's government refusal to say sorry to Australia's indigenous people, the cuts to child care and its draconian treatment of the unemployed together with the so-called welfare reforms in its welfare package. The social commentary and the discussion of government actions could be lost if the Howard government continues its funding cuts.

The federal government funding cuts impact particularly on regional universities such as the Bendigo campus of La Trobe University. Universities are important to the growth of regional and rural Victoria and Australia. I would not have had the opportunity to obtain a tertiary qualification if a university had not been located in Bendigo and the Whitlam government had not engineered the opening up of education. My family could not have afforded it. Universities in regional areas open up opportunities.

University participation rates for young people are substantially higher if universities are located in the regions where they live. It is not only important for the students but also for the opportunities provided to the local community. There is a direct link between the

location of a regional tertiary institution and economic development within that region. For example, the campus of La Trobe University in Bendigo provides an estimated \$50 million per annum directly and indirectly to the economy of central Victoria through its employment of academic and administrative staff, the purchase of local goods and services, student numbers and their consumer needs.

The Howard government's funding cuts are putting all that at risk. Its ideological hatred of universities seems to be continuing through the House of Representatives Standing Committee on Primary Industries and Regional Services. After touring regional Australia the committee released a report entitled *Time Running Out — Shaping Regional Australia's Future*. It is an important report because the committee chaired by Fran Bailey, a federal Liberal backbencher, put a number of recommendations to the federal government. Sadly some of them appear not to have been picked up.

The report said the federal government should improve funding for regional, higher and vocational education and training because of the contribution made to the economic development of country areas. If one were cynical one would say that with a federal election looming in the next 12 months and a shifting focus on rural and regional areas — particularly if the federal parties look to the lessons learned from the last Victorian election — the federal government might review its slash-and-burn university funding policies.

The university funding cuts are also hindering the ability of universities to carry out research and development, which is an important component of their contribution to the community.

Their undertaking of research and development is another benefit of having local universities for regional communities. An example is the Centre for Sustainable Regional Communities at La Trobe University at Bendigo. That excellent initiative by the university is about fostering the development of regional communities and ensuring they have a future. It was set up by the university in consultation with the community, which recognised the need for the centre. Although the university largely provided the funds, I am pleased to say that the state government recognised the importance of the centre and during the election campaign announced that funds from the Regional Infrastructure Development Fund would go to that university. Unfortunately the Howard government has not picked that up.

The Centre for Sustainable Regional Communities draws on community resources, is already undertaking

innovative and creative research and will benefit the region for many years, yet it is at risk because of the Howard government's cuts. Through its narrow-minded cuts to universities the Howard government has stunted the intellectual and economic growth of this country. The universities do an excellent job under increasing pressures, and the vice-chancellors have to hold it all together under extreme pressures from the Howard government because university staff know the long-term effects of that government's policies.

A media release by the Australian Vice-Chancellor's Committee quotes comments made by its president, Professor Ian Chubb, just after the May federal budget. It states:

This is the second time the government has signalled an intention to focus its budget on education but on both occasions the government's prescriptions have been found wanting. A third 'Education Budget' of this kind next year would not be healthy for our national growth and international competitiveness as a knowledge-based economy.

That is a damning statement from a leading academic that the Howard government appears to have ignored. However, there is light on the hill. The Labor party understands the importance of higher education and a properly funded higher education sector. As I mentioned, through the Regional Infrastructure Development Fund the state government has committed \$6.5 million to the La Trobe University at Bendigo. It is pleasing to show that the government has a commitment to university funding. The federal government could learn from what the state government has done.

The Australian Labor Party at the federal level also understands the importance of a properly funded higher education sector. I welcome the recent release of the federal ALP policy, which was ratified by the party's national conference two weeks ago. The federal ALP, like the state party, places a high priority on education and on Australia becoming a knowledge nation. In complete contrast to the Howard government, the federal ALP understands the importance of education and higher education to Australia's future.

I turn briefly to the platform which was passed by the recent ALP national conference and which will form the basis of the policies to be taken to the next federal election. Labor believes in increased national investment in education, training and research. For the benefit of the members opposite I will repeat that: Labor believes in increased national investment in education, training and research, and in the need to ensure all Australians have the opportunity to reach

their full potential. This is important to the future of this country. Federal Labor has a strong education — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Savage)** — Order! The level of noise is too high.

**Ms ALLAN** — I will repeat that too: federal Labor has a strong education renewal plan that will substantially increase investment by the federal government in education, training and research. A federal Labor government would phase out up-front fees for Australian undergraduates and review the current structure of the higher education contribution scheme so that it does not act as a financial barrier to students seeking a university education. It would also increase federal funding for Australian research. For the sake of Australia's future, I urge the Howard government to look at Labor's policies and ignore the ideological ranting of its education minister, David Kemp.

In conclusion, as I said at the beginning, the federal government is the primary funder of universities and the state government has a minor role. I benefited from a university education because there was a university in my town. The Whitlam government had opened up university education to all Australians, not just those who could afford it. It is an important issue for society. It is our duty as members of Parliament to comment on the importance of universities to society. We cannot shut our minds to the importance of universities, as members of the Howard government have done.

**Dr Napthine** interjected.

**Ms ALLAN** — The federal government has turned its back on universities.

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

### **Economy: government policies**

**Dr NAPHTHINE** (Leader of the Opposition) — I grieve for the future of Victoria. The Premier and the Labor government continue to proclaim around Victoria that they are pro-business, yet to date all of their actions have been anti-business, anti-employment and anti-growth. A classic example is the recent mishandling of the Workcover issue.

The Labor government clearly does not understand or care about business in Victoria. It does not understand large, medium or small businesses; or businesses in country, regional or metropolitan Victoria. It does not

understand that businesses facing massive increases in Workcover premiums have only three choices: reduce staff, reduce the growth of the business, or reduce future investment.

The government said increases in Workcover premiums would be approximately 15 per cent. That is what the government told businesses to budget for. However, when the envelopes containing the new Workcover premiums were opened, time and again there were massive increases — well above 15 per cent. Businesses had increases in Workcover premiums of 30, 40, 50 and 100 per cent, and a penalty was imposed if they did not pay within five days. The only way these businesses can deal with that is by reducing employment, growth and investment. The government does not understand the implications for the economy of the state of the higher costs of doing business.

The axioms of the Labor government are clear. A Labor government means massive increases in taxes and the costs of employment. It is a government that does not understand the need for strong economic growth if it is to be able to deliver welfare and government services across Victoria.

I refer to an article in the *Herald Sun* of 22 July written by Ed Shann, who is well known to the Australian Labor Party as the director of Access Economics. The article states:

The state budget forecasts a slowing in Victorian economic growth from 4.25 per cent in 1999–2000 to 3.5 per cent in 2000–2001.

Private sector forecasters expect a more pronounced slowdown.

It is interesting to note that growth during the last year of the Kennett government was over 6 per cent. The article continues:

The survey average has Victorian output slowing from 4.3 per cent in 1999–2000 to 2.9 per cent in 2000–01.

Ed Shann and economic forecasters are saying that the Victorian economy will slow down, so Victoria's growth will no longer be above the national average but below it. The article also states:

Business surveys show a dive in confidence in Victoria since the Bracks government was elected even larger than the national drop.

That is what has happened since the Bracks government was elected. The article continues:

The state government has to reassure the business community it has appropriate policies in place.

The massive increases in Workcover premiums provide no reassurance for the business community and employers in Victoria that the government understands or cares about business. The article concludes by stating:

Forecasters appear to think the new Victorian government will continue business-as-usual policies, but that implies Victoria reverts to growth below the national average.

The challenge for the Bracks government is to deliver something better.

The challenge for the Bracks government is to deliver something better than the decline in growth that is predicted. There is no pro-business policy under the Bracks government; instead there is an anti-business policy. Instead of having leadership, direction and action, Victoria has more than 140 committees, reviews and inquiries. There is a lack of decisiveness, leadership and agenda.

Page 417 of budget paper no. 3, which was presented by the then Treasurer, Steve Bracks, shows that the government is predicting that it will collect \$531 million more in payroll tax, land tax and stamp duty from businesses and ordinary Victorians this financial year than was collected in the 1999–2000 financial year. Despite more than a half a billion dollars that will be collected from businesses, the government says it cannot afford to provide a tax cut of even 1 cent to the business community in Victoria. The government has said that if the business community is lucky it might get \$100 million of tax cuts next July, but only after it has collected an additional half a billion dollars in taxes this financial year and probably another half a billion dollars next financial year. The Labor government is a high-taxing government that does not care about business.

I now turn to the leading issue of past weeks, Workcover premium increases, and what they will mean for businesses across Victoria. The massive increase in Workcover premiums is a direct cost on Victorian employment and a direct disincentive for businesses to create new jobs, take on new employees or even retain employees. Some speakers have already outlined some of the massive increases that have occurred. Hundreds of employers across Victoria have contacted either me personally or my office to raise their concerns about the increase in Workcover premiums they are facing. A transport company in regional Victoria that has experienced only a 4 per cent increase in payroll and has made no claims in recent years is now facing a 70 per cent increase in Workcover costs!

You should know about stock agencies, Mr Acting Speaker, because many of them are significant employers in regional centres across Victoria. One stock agency that has a similar amount of payroll this year to last year and has made no claims is facing a 60 per cent increase in Workcover premiums. A small business jeweller in north-western Victoria that has paid only a 6 per cent increase in payroll and has never made a claim in the history of its business is now facing a 35 per cent increase in Workcover premiums. A hay and grain merchant in country Victoria that has paid a 5 per cent increase in payroll and has never made a claim in the history of its business is now facing a 42 per cent increase in Workcover premiums.

Many farmers were previously paying the minimum Workcover premium of \$100 a year, but one farmer is now suddenly facing a \$375 premium. Imagine having to deal with that sort of increase! Some people say it is only a small amount of money, but it is a serious issue for small, medium and large businesses across Victoria. A furniture removalist in Gippsland submitted that for both last year and this year its payroll amounted to \$92 000. However, it paid \$5200 in Workcover premiums last year and will pay \$8000 in premiums this year. So, despite having the same amount of payroll for both years, the business now faces a 54 per cent increase in Workcover premiums. An engineering firm in regional Victoria, which currently has more than 90 employees — and we do not know what that figure will be in the future — has paid 7 per cent more in wages this year, but its Workcover premiums have increased by about 45 per cent.

The honourable member for Mornington referred to the effect of Workcover premium increases on the industries that care for those in our community who need additional care such as hospitals, nursing homes, home and community care services and services for intellectually disabled people. The government is providing no compensation for those massive increases in Workcover premiums, despite those increases arising as a direct result of its policies. The government will not offer any compensation for its policy-driven increases in Workcover premiums and those industries will now have to face the difficult decision of cutting services to the vulnerable members of our community, such as people with intellectual disabilities and older people in their own homes, nursing homes and hostels. The government purports to care about those people, but it clearly does not. It does not care about delivering high-quality services; rather it is allowing massive Workcover premium increases to result in cuts to those services.

It is nonsense for the government and the Premier to claim to be pro-business. The Premier talks the talk but does not walk the walk. His actions belie his statements. He says he is pro-business, but the anti-business, anti-employment actions of the government will drive the Victorian economy backwards. Ed Shann has said the Victorian economy is going into decline, and the Labor government's actions are driving the economy into further decline. I repeat: massive increases in Workcover premiums are anti-business and anti-caring, because they affect the industries that care for the vulnerable people in our community.

There is no tax relief, incentive or encouragement for business, yet the government is increasing premiums and taking a massive \$500 million from industry. There is an abdication of leadership on the important industrial relations issues. Is it any wonder that we are already seeing a litany of job losses in Victoria? The closure of Australian Cutting Systems at Brooklyn resulted in 120 job losses, the closure of Heinz Wattie's at Dandenong resulted in 200 jobs being lost to New Zealand, the closure of Nestlé at Warrnambool resulted in more than 100 job losses, the closure of Stanley Works Pty Ltd at Heidelberg West resulted in 50 job losses, and the closure of Bonlac Foods resulted in more than 250 job losses across Victoria. I could go on and on from that list.

We need a government that is pro-business and understands that employment and economic growth needs to be encouraged to ensure a strong economy that can deliver health and educational services and other services for those people in need. If we do not have a strong economy we cannot build the necessary social capital. The government should understand that and do the things necessary to achieve a strong economy rather than merely claiming to be pro-business.

### **GST: small business**

**Ms DUNCAN** (Gisborne) — I wish to grieve for Victorian roads, but before I do that I grieve for Victorian businesses. I have also been inundated with calls from many small businesses because they are worried about their future. By far the vast majority of those calls have concerned the goods and services tax (GST). It is interesting that the Leader of the Opposition only provides details of calls he gets about Workcover premiums and does not bring to the house — —

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Savage)** — Order! The level of noise in the chamber is beyond the level required to hear the honourable member.

**Ms DUNCAN** — It is interesting that the Leader of the Opposition grieves for those people who call him about Workcover without mentioning the many calls I am sure he and every other opposition member have received about the GST, not necessarily the impact of the GST on Workcover but about the tax impost being placed on small business. The resounding number of calls the government has received over the past few months have been about the goods and services tax.

But we will continue to link the GST with Workcover, won't we! Some honourable members cannot see that I am speaking about two different issues, and they will continue to ignore that fact.

### **Roads: funding**

My purpose in speaking today is to grieve about funding for Victorian roads. Not nearly enough money is spent on Victorian roads. I refer specifically to rural areas, but my comments relate to road spending in Victoria generally.

My criticism extends to the previous government's commitment to spend at least one-third of the Better Roads levy on rural roads, which did not happen. The Bracks government is meeting its commitment — —

**Mr Pandazopoulos** interjected.

**Ms DUNCAN** — Yes. As the Minister for Gaming says, the previous government talked the talk but was unable to walk the walk. I suspect it was able to walk the walk only for Melbourne's roads.

**A government member** interjected.

**Ms DUNCAN** — Yes, doubtfully even then. One may not appreciate the condition of Victoria's roads until one travels many miles around the state, as most of us representing rural electorates do. The Leader of the National Party speculated that he travelled something like 6000 to 8000 kilometres a month. Many honourable members travel similar distances and would not only be familiar with the poor state of the roads but also be aware of their significance to rural Victoria because there is limited access to other forms of transport and almost everybody needs to use the road network. Although the trains help some rural Victorians, the vast majority travel on roads.

Another difference between travelling on Victorian country roads and roads around capital cities is the

speed at which one travels. Motorists travel at a speed of 100 kilometres an hour on the majority of country roads. There is a significant difference between travelling at 100 kilometres an hour and travelling at 60 kilometres an hour, as one would do on city roads. The effect of hitting a pothole at 100 kilometres an hour is quite different from the effect of hitting a pothole at 60 kilometres an hour.

Victorian road fatalities are increasing every year, and that is a worrying trend. It is also against the trend of some of the smaller states. For example, between June 1999 and June 2000 the number of fatal road crashes increased by 45 per cent. Between January and June 1999 there were 172 fatal road crashes; in the same period in 2000 there were 202 fatal road crashes, which is a significant increase. That trend should not continue.

The statistics are especially relevant to me because I travel on Victorian roads daily. My electorate of Gisborne has experienced a number of fatalities recently, and the township has been rocked. Some three weeks ago two young boys were killed in a car on a country road. It was not late at night and no speeding or alcohol was involved. It was just a very perilous road. Those are the conditions people face.

Even this morning I heard there had been a serious accident at Elphinstone after a number of cars left the Calder Highway because of cold weather conditions. The Calder Highway runs through the middle of my electorate and is important to me and the people who live in the area. I am inundated with complaints from constituents, not just about the minor roads but also about the Calder Highway.

Councils in my area have had a huge reduction in their rate bases over a number of years, many of them as a result of policies of the previous government. Forced amalgamations enlarged the areas councils have to service but in large part their rate bases have not grown. Councils are increasingly struggling to maintain their percentage of road funding.

In an article published on 6 December 1999 the president of the Municipal Association of Victoria, Brad Matheson, talked about the fact that small shires with restricted rate bases face an uphill battle to improve roads. He said research indicated that municipalities were meeting just 68 per cent of the required infrastructure spending. I know councillors are scratching their heads trying to work out how they are going to maintain their current levels of road funding without raising rates enormously. Local councils are unable to keep up with the required level of road funding. As Mr Matheson said, the MAV has been

forced to set up a group to lobby the government for extra funding — and I will talk about that a little later. Every day those roads are deteriorating further.

Not only is there inequity between the amount of money spent on rural Victorian roads, rural Victorians pay large amounts of fuel taxes because their fuel bills are huge. I would venture to say their bills are much larger than those of people who live in city areas. Not only is the price of petrol much higher outside Melbourne and the larger centres, obviously motorists use more petrol because of the distances they have to travel. Not only are rural Victorians being ripped off because of the differences between Melbourne and country areas, but Victoria is being hugely ripped off by the federal government. This problem has been increasing for a number of years.

In 1996–97 the federal government spent \$288.6 million on Victorian roads. In 1999–2000 that figure was just \$265.8 million — a reduction of more than \$20 million in that four-year period. That is an enormous decline.

Victoria pays approximately one-quarter of all the fuel taxes the federal government collects, yet it receives only 15 per cent of the \$1.3 billion the federal government committed to road funding for the year 2000–01. In effect approximately 44 cents a litre is paid to the federal government for every litre of fuel purchased by a Victorian motorist. Victorians contribute about 25 per cent of fuel taxes to the federal government and get back only a small percentage — approximately 15 per cent. The enormous discrepancies between the federal funding given to New South Wales and that given to Victoria are blatant.

The Royal Automobile Club of Victoria has had much to say on this issue. In an article in the *Herald Sun* of 1 March it says an estimated \$400 million — most of the extra money we are spending on increased fuel taxes — of Victorian taxpayers' money has gone into consolidated revenue rather than being spent on urgent road projects. The article quotes the RACV government affairs manager, David Cumming, as saying:

The consumer price indexation of fuel has been exposed as nothing more than a cash cow for Canberra's coffers ...

Victoria is worst off compared to other states ...

By way of comparison, from 1995 to 2001 total spending on New South Wales roads was \$1838 million, compared to \$626 million for Victoria.

Honourable members may be aware of RONIs, which are roads of national importance that are declared to be

such by the state and federal governments. Currently in New South Wales six major roads have been declared RONIs, compared with two in Victoria. The two roads of national importance in Victoria are the Calder Highway, which runs through my electorate, and the Geelong road. In the case of the Geelong road the Victorian government will be paying the majority of the upgrade costs in the early years, but the federal government has agreed to reimburse it down the track.

However, with our second RONI — the Calder Highway — the federal government has walked away. Having been funded for a number of years, that upgrade is now at a critical stage, but the federal government has simply gone silent and has allocated no money in this year's budget for the continuation of the Calder Highway upgrade.

The difference between funding granted to roads of national importance in New South Wales and those in Victoria clearly illustrates the problems we face in this state. Because the Calder Highway has been declared a road of national importance one assumes the federal government appreciates its significance. A 1977 press release from the Honourable Jeff Craigie, then the Minister for Roads and Ports, and Michael Ronaldson, the federal parliamentary secretary for transport, describes the importance of the Calder Highway and says funding must proceed. Those comments reflect how significant both the federal government and the former Victorian coalition government believed the project to be. One presumes they still consider it to be a road of national importance that still requires funding.

Unfortunately, the highway is in a desperate state. The section of upgrade to Woodend has almost been completed and the Carlsruhe section is ready to be commenced. Honourable members have previously heard in this place about the dangerous black spot that will be created if one upgrade is complete and the other is incomplete. The road will narrow from four lanes to one, then go back to four — a nightmare for motorists. The lack of funding commitment suggests the federal government does not care at all.

Therefore I am calling on both the Liberal and National parties in opposition to work with the Bracks Labor government in calling on the federal coalition government to increase funding so that the Calder Highway upgrade can be completed. I know the former Victorian coalition government saw the merit of the project in 1997, and if the opposition parties are honest they will continue to acknowledge its merits and work with the Bracks government to ensure that the federal government honours its commitment to the Calder Highway upgrade.

### Parliament: procedures

**Mr McARTHUR (Monbulk)** — I will grieve over a range of issues today. First, I grieve over the incompetence of the Minister for Gaming, who is the minister at the table at present, and his failure to understand the rules of this place. It is the responsibility of all governments to provide a minister at the table when the house is sitting, yet a short time ago the Minister for Gaming saw fit to absent himself from the chamber. There was no minister at the table, which is the requirement under the parliamentary rules and the Westminster tradition. This little minister forgot his job!

**Mr Lenders** — On a point of order, Mr Acting Speaker, on the rule of anticipation, the honourable member for Monbulk has today given notice of his intention to move a motion on this very issue. I suggest he is anticipating the debate on the motion and should not be heard.

**Mr McARTHUR** — On the point of order, Mr Acting Speaker, the rule of anticipation is guided by the likelihood of any issue being debated, and I put it to you that the likelihood of that motion being debated in the next 10 years is very, very remote.

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

**Mr McARTHUR** — The second matter involving Parliament concerns the absolute unpreparedness of the Bracks Labor government to govern, its ignorance of parliamentary procedure and its inability to get its legislative program in order.

On a number of occasions in the past two sittings I have warned the government about the need for it to plan and execute its legislative program in an organised and timely fashion, yet yesterday we had the delightful experience of seven ministers forgetting to give notice of motions. They came in today and gave notice of their intention to introduce those seven bills, but under the normal parliamentary processes for scheduling and adjourning debate on bills it will not be possible to debate any of those seven bills before the October sittings. None of them will be available for the consideration of the house during the next three weeks. The government's legislative program is therefore in disarray.

### Catchment management authorities: boards

I also grieve for rural and regional Victoria. In order for there to be a successful and viable rural and regional community in Victoria it is important that we have

proper, sustainable, experienced and expert land and water management right across those areas. Recent government initiatives have significantly undermined confidence in the likelihood of such expertise remaining. They have resulted in a massive loss of experience and goodwill in land and water management in rural and regional Victoria. The changes have caused widespread concern about future resource security for farmers and rural communities right across the state.

The purge in recent weeks of the membership of catchment management authority boards was initiated by the Minister for Environment and Conservation. There are nine catchment management authorities across the state and one catchment and land protection board — the Port Phillip Catchment and Land Protection Board. The term of office of the former members of those boards and their chairs expired on 30 June, and the minister announced the new boards and their chairs just prior to that.

Of the 10 board chairs, who had served their catchment areas exceedingly well, seven were purged, and I will go through them one by one. The Corangamite Catchment Management Authority chairperson, Bob Carrail, was reappointed. He is one of the lucky three. In the East Gippsland Catchment Management Authority Duncan Malcolm, a man widely respected across the Gippsland community, was purged and no reason was given. In the Glenelg–Hopkins area David Koch, the former chairman — again a widely respected, expert and experienced land manager — was purged.

In the Goulburn–Broken catchment management area John Dainton — again a widely respected expert — has retained his position, which I think is an excellent thing. In the Mallee, an area you would know well, Mr Acting Speaker, and one I certainly know very well, Gerry Leach — a man who has been involved in rural affairs and who was appointed to positions by the Kirner Labor government and the Kennett coalition government — was purged by this minister with no explanation. I have it on good authority that he has taken the extraordinary step of writing to the minister asking for her reasons for sacking him from that position.

In North Central, Drew English, the former chairman, has retained his position. Again, that is a good decision. In the North East Catchment Management Authority, Ken Gaudion, a widely respected and expert land manager, was purged. In West Gippsland CMA Trevor Andrews suffered a similar fate. In the Wimmera CMA Lance Netherway, a man who is known right across northern Victoria and who enjoys enormous respect and

credibility, was purged without explanation; he has publicly expressed his disappointment. The chairman of the Port Phillip Catchment and Land Protection Board, Marshall Baillieu, a man widely respected across Victoria and with national and international expertise, was purged.

Some 70 per cent of the former board chairs had their jobs axed. They were regarded as not fit even to continue on the boards, yet the Minister for Environment and Conservation claimed that her appointment process was open, independent, transparent, fair and above board!

It is strange that the *Weekly Times* of 21 June predicted the purge in a story by Genevieve Barlow headed 'Water board purge looms'. The article quotes industry sources as saying:

... most current chairs could be dumped and some boards would face almost a total clean-out.

'There will be blood on the carpet', one insider said.

The article goes on to say that government members were consulted about the make-up of the boards — a process the minister criticised when she was a shadow minister — and that government members would be given the chance to blackball short-listed applicants to board appointments.

Once the board appointments were announced, Peter Walsh, a member of the selection panel and the president of the Victorian Farmers Federation, expressed his concern about the outcome and said that catchment management was facing a loss of experience. Given that he was part of the selection process, that is an extraordinary criticism to make. He went on to say that change could go too far and could damage the corporate memory of an organisation. The minister claimed that the process was good and that she had made only one appointment that was not short-listed by the selection panel. I ask her to make those details available, but I do not expect that she will.

I understand that all seven former board members nominated for reappointment. I believe they were all short-listed, although the minister may clarify that if she wishes. I know that all seven were sacked. Why? If the process is open and transparent why will the minister not give her reasons? If the reasons are genuine, I am happy to examine them and support her. However, it is essential that the information be made available. I have requested release of the information and have even gone so far as to request it under freedom of information.

I lodged my FOI application on 6 July last. It is a wonderful irony that almost three years ago to the day, on 30 June 1997, the present Minister for Environment and Conservation, then the shadow minister, lodged FOI applications in almost identical terms for information about the appointments and argued that the information should be made public.

I have been advised by the Department of Natural Resources and Environment that it will refuse to release the documents. I have tried to contact Deidre Egan, the responsible member of staff, but have been unable to do so. However, I will consult with the department about the release of the documents. In the meantime, I urge the minister to do what she said should be done three years ago — that is, if the process is so wonderful, open and accountable, to instruct the department to release the documents.

### **Farm dams**

Increasing concern about the farm dams review exists across rural Victoria. The initial belief was that the review related only to irrigation dams in the north-east, in some areas of the Grampians and in the Pyrenees, so there was not much general concern. However, in farm areas the realisation is growing that any recommendation coming to the government from the review committee could result in changes to rules for every dam on every farm property in Victoria regardless of its location or use of the water.

Meetings are now being held in farm areas throughout the state as farmers grow increasingly concerned about the process. The deadline for comment is rapidly approaching. I make no criticism of Don Blackmore, the chairman of the review panel, or of his panel, but I urge the minister to guarantee that farm dams used to provide stock and domestic water only incur no charges, and to guarantee that all farmers who use dam water, particularly dairy farmers who are required by health regulations to wash down their dairies, have adequate time to consider the minister's discussion paper and make a submission to the review committee.

### **Lake Eildon**

Finally, I grieve about the situation at Lake Eildon. I find it absurd that early last week 4000 megalitres of water per day was released from Lake Eildon to generate hydro-electricity. At this time of year the normal release rate is 135 megalitres per day, so something above 30 times the normal release rate was used to generate hydro-electricity. Why? Because of the power dispute in the Latrobe Valley. That is the only reason the water was released.

When I drew the issue to the public's notice — it received a lot of attention across rural and regional Victoria — the release rate dropped to 1500 megalitres. Yesterday it returned to 4000 megalitres a day for hydrogeneration. Southern Hydro is entitled to release that water for hydrogeneration, but it would not normally do so at this time of year. Usually it would be negotiating the timing and release rates with the Goulburn-Murray Rural Water Authority to ensure that the water is not lost to the entire irrigation system, which is jeopardised at this stage.

In the knowledge that Lake Eildon is holding only 25 per cent of its capacity, I call on the minister to take action to ensure that all the water released is retained somewhere in the system for the coming irrigation season. If she cannot do that, she should stop the releases and ensure that the government arranges power generation from other sources which are freely and readily available.

### **Neighbourhood houses**

**Ms CAMPBELL** (Minister for Community Services) — I grieve for the shabby treatment of neighbourhood houses under the former Kennett government. I contrast that with the huge injection of funds delivered to the houses under the Bracks Labor government. Under the former Kennett government, neighbourhood houses languished. They were not given adequate funding support and were constantly dismissed by the former government, the former minister and the former Premier.

Neighbourhood houses form an important part of the state's community. They are central to neighbourhood building and help people's self-esteem by enabling them to learn and build friendships. As a result, Victoria is richer for the work of neighbourhood houses.

Under the former government neighbourhood houses attempted at regular intervals to obtain hearings for funding increases. It is interesting to document how many times neighbourhood houses have attempted to obtain funding under the former Kennett government and to contrast that with funding by the Bracks Labor government.

In 1994 the neighbourhood houses presented to the then government a publication entitled *Neighbourhood Houses — an Investment in the Future*. It was a good document, but it was ignored.

In February 1995 neighbourhood houses again made a presentation to the then Minister for Community Services, Michael John. It, too, was ignored. Undaunted, in April and May of that year the

neighbourhood houses organisation decided that if the minister would not consider its strong representations, it would make personal representations to government members of Parliament. Organisation members engaged in a community campaign of visiting their local members who, depending on how seriously they viewed the contribution of neighbourhood houses to the state, would act with varying degrees of commitment.

The end result, after two months of campaigning with local members of Parliament, was no further dollar increase to the networks, the unfunded houses or to the Association of Neighbourhood Houses and Learning Centres. After the 1996 election neighbourhood house representatives visited the then Minister for Youth and Community Services, the Honourable Denis Napthine, now Leader of the Opposition, to put their case, again with no result. In September 1996 they again met with Minister Napthine — no result. In February 1997 they undertook a major funding campaign and attempted to influence their own local members of Parliament. Again their pleas fell on deaf ears. They appealed to the former Premier and former Treasurer — no result.

However, when they sought assistance from Labor members in that year we made a commitment to neighbourhood houses because we believed they were worthy of support. We took their case seriously and advocated on their behalf with the then government. The Labor Party not only made a commitment it put dollars into its election platform. In its first budget in May the Bracks government funded a 35 per cent increase to the neighbourhood house sector. Labor delivered on its policy commitment to provide an additional \$2 million to the neighbourhood house sector. In real terms that translates to providing 76 unfunded houses with funding under the neighbourhood house coordination program. It also enabled the government to provide increased funding to more than 103 neighbourhood houses that were previously in receipt of some funding.

As a result of the unfunded houses now being funded and the previously funded houses getting additional funding, more than 80 000 hours of additional coordination time per annum have been delivered. That injection of new funds demonstrates that the government wants to support neighbourhood houses, their work and their networks.

The former Kennett government was ignorant of the importance of neighbourhood houses. That ignorance was displayed by the then Premier in November 1997 when he was interviewed on the Neil Mitchell show on 20 November. During the talkback session he received a phone call from a person called David who was

involved with a neighbourhood house. David said that neighbourhood houses, like so many other funded organisations, were silenced by the Kennett government. Their funding and service agreements prohibited them from speaking publicly. It was a gag on neighbourhood house members about the content of their work.

David explained to the Premier that the gag was undemocratic and he also talked about how it precluded members of his neighbourhood house from knowing the full extent of the good work they were doing. In his ignorance about neighbourhood houses Mr Kennett said that the gag was necessary:

Specifically to try and protect people who go there from spouses from whom they may be trying to run away from because things happen ...

Obviously David was quite perplexed and he tried to explain to the Premier that neighbourhood houses were quite distinct from women's refuges. The then Premier said:

In some cases there is a very good reason for it —

'it' being the gag —

and it is to protect the people who are in the houses. I know for instance ...

David became exasperated and tried to point out to the then Premier what a vital role neighbourhood houses play. We attempted to put the Premier straight on how important the work of neighbourhood houses is for the Victorian community.

For the benefit of honourable members I place on the public record the important role that neighbourhood houses play and the support the government has provided and will continue to provide to them. The reasons for supporting neighbourhood houses are varied and profound and go to the philosophical principles of neighbourhood houses that are also at the heart of Labor's philosophy. Neighbourhood houses primarily cover three major areas: personal development and learning; community management and decision making; and proactive support of the balance in the local community.

The statement of philosophical principles of the collective of neighbourhood houses highlights the important role they play, which is strongly supported by the Bracks government. In personal development and learning the aim is to empower members through challenge, stimulation, motivation, safety and a shared vision. They encourage learning and skills development. The government is committed to lifelong

learning and improving people's skills. There is a place for everyone regardless of race, age, sex, culture or ability. Part of Labor's criteria for accessing additional funds was that the centres were inclusive of men, young people and people with disabilities, three groups that under the Kennett government missed out when one considers their proportion of the Victorian population.

The second component of the philosophical principles is community management and decision making. Neighbourhood houses are committed to effective management through a community-controlled, collaborative model. It is no surprise to read that and consider why the Kennett government would not support neighbourhood houses. The word 'collaboration' was not in the Kennett government vocabulary; neither was 'community control'. Neighbourhood houses are committed to ownership of programs by the community which ensures the comfort of belonging and a place where voices can be heard.

The third philosophical principle is proactive support of balance in the local community. Neighbourhood houses see themselves as pathways to other things, being responsive to local community needs, developing stronger, supportive communities and taking affirmative action to support and include unrepresented groups that fit into membership guidelines. This house and this state can learn much from what neighbourhood houses do in building communities.

On the issue of the \$2 million funding and the 80 000 additional coordination hours per annum provided by the Bracks government, as one would expect many community groups were supportive of Labor's initiatives. In the *Waverley Gazette*, Jan Wishart from Mount Waverley's Waverley Community Learning Centre is quoted as saying:

...the centre, which has operated for 27 years, was only just surviving and it was exciting to be getting money.

She stated that the money was due soon and staff had already started implementing changes. The article further reports her as saying:

We are working out staffing and management ...

They are looking forward to the dollars. I shall also quote the Oakleigh Community Centre's reaction. The centre was previously funded and was able to get an additional 5 hours. The director, Paul Bottern, is reported as having said:

'We've been really encouraged that the government is taking seriously the need for help in supplying community services ...

'We can find out the needs of the community and tailor programs to meet those needs', he said.

The funding dollars provided by the Bracks government have given neighbourhood houses a great charge to their batteries. They are enthusiastic about developing further programs.

Mr Acting Speaker, I pay tribute to a neighbourhood house in Corio that I had the privilege of visiting last Friday. The Corio community centre has operated magnificently for a number of years with the support of the Greater Geelong City Council. As a result of the commitment of the volunteer coordinator and the volunteer team and the fabulous work they have provided to the local community, the programs it runs range from playgroups to men's groups. I particularly highlight the centre's attempt to bring neighbourhood houses to men's attention. It has established a Sunday fathers' playgroup, the first one that has come to my attention.

It is excellent that neighbourhood houses are opening on Sundays. In promoting playgroups not only for mothers but also for fathers they are picking up a need that previously has not been met. I am sure that dads will enjoy cups of coffee on Sunday mornings with other men while caring for their children. It gives them another opportunity to share the treasured moments that only fathers can share with their children.

In conclusion, I repeat that I grieve for the treatment of neighbourhood houses under the previous Kennett government. I look forward to a strong working relationship with them under the Bracks Labor government, which believes in community, in collaboration, and in partnership — and neighbourhood houses fulfil that beautifully.

### **Hospitals: government policies**

**Mr WILSON** (Bennettswood) — In today's grievance debate I wish to reflect upon the state of Victoria's public health system, particularly the added pressures being placed on hospitals by the current nurses industrial dispute.

At the outset I wish to correct the misinformation about expenditure on public hospitals by the Kennett government so regularly peddled by the Minister for Health. On many occasions the minister claimed that the seven years of the Kennett government saw successive cuts to the hospital budget. Nothing could be further from the truth. Let the record show that it was only the first budget of the Kennett administration which delivered a cut to the budget of Victorian

hospitals — every budget thereafter delivered significant increases.

The first budget cuts were necessary because of the budgetary and economic crises Victoria faced due to the incompetence of the Cain and Kirner governments. In 1993–94 the previous government spent \$1.8 billion on Victoria's hospitals, and by 1999–2000 that had increased to \$2.7 billion — a staggering increase of 50 per cent over the period of the Kennett government.

When the Bracks government came to office in October 1999, unlike the Kennett government, it inherited a buoyant economy and a health system undergoing complete revitalisation to deliver modern and responsive services. In that climate Labor came to office promising to solve all of the ills facing our health system — ills not limited to Victoria but experienced in all Australian jurisdictions and everywhere in the Western world.

Last night I read the ALP's 1999 health policy. Other than some general rhetoric about the important role of nurses and the need to recruit more, I could not find any reference to Labor's plans to improve the salaries and conditions of Victoria's nurses. That probably explains why the current industrial crisis is occurring in our hospitals.

Labor's coming to power was as much a surprise to it as it was to the rest of the Victorian community, and it had no policy to deal with the current wage negotiations. Rather than having a plan of action, the minister has allowed the situation to get out of control, and we have all seen the resultant damage — beds closed, elective surgery cancelled, hospitals on ambulance bypass, waiting lists growing, and a severe decline in public confidence in our health system.

The current industrial action in our hospitals has seen more than 1200 beds closed and claims by the Australian Nursing Federation that the Bracks government has 'failed to grasp the scale of the hospital crisis' and that it was being 'mean spirited by offering less in wages and conditions than the Kennett government'. In what can only be described as a remarkable attack on the current government and the minister by the ANF, an article in the *Sunday Age* of 13 August states:

Ms Morieson said Victoria's nurses had imposed an identical campaign of bans almost three years ago to the day in search of gains in the last enterprise agreement. In 1997 the nurses won an 11 per cent pay rise under Mr Kennett, compared with the 9 per cent now being offered by the Bracks government. They also won significant career-path concessions, an extra 270 nurses, restructured shifts and paid maternity leave 'for the first time ever'.

What is the government's response to this issue? From the minister we have heard very little. This is a difficult and a complex issue, but this minister only likes to be there for the good times — for the glitzy openings and for the high-profile media opportunities. From the Premier, who has been left to cover for his missing minister, we get a plea to send the dispute to arbitration and a promise to abide by that decision.

The hospitals dispute has been a reality check for the Labor Party. In opposition, it acted as an irresponsible commentator, full of advice and cheap political condemnation. After the Labor Party used the ANF as a political ally throughout the state election campaign — and will we ever forget the campaign waged during the Frankston East re-election? — it is now time for the government to return the favours and deliver on the promises. But doing that is difficult in government when it suddenly realises that any deals it does with one public sector union will open Pandora's box, and that all other public sector unions will demand parity.

An article in last Saturday's *Age* referred to the secretary of the Health Services Union of Australia, Rob McCubbin, who warned that cooks and cleaners would seek parity with nurses. The article states:

Our members will be watching and waiting to see what the nurses get. We have an in-principle agreement to get 9 per cent over three years, but if they get more, we want parity.

Meanwhile, the Labor government flounders in its first real industrial relations test. Victoria's sick and frail are subjected to even more hurdles in what is already an overstretched public health system. And all of this from a minister who, for seven years in opposition, claimed he had all the solutions to all the problems. The rhetoric in opposition is far from the inaction in government.

The current serious situation facing our hospital system is not solely due to the nurses industrial dispute. Recent Department of Human Services figures highlighted by the opposition show four very disturbing trends: firstly, that periods of ambulance bypass of public hospitals rose in the March 2000 quarter to 565, compared to 72 in the March 1999 quarter; secondly, that the number of patients waiting on trolleys for hospital beds more than doubled, from 647 in the March 1999 quarter to 1396 in the March 2000 quarter; thirdly, that 11 patients waited more than 30 days for urgent treatment — category 1 surgery — in the March 2000 quarter, and that in the last two years of the former government's office only 1 patient was ever waiting more than 30 days for urgent treatment; and fourthly, that at the same time waiting lists for elective surgery have risen by 2201 patients.

These indicators are the most important and accurate measures of the Victorian health system and are the same indicators that were used by the Minister for Health to continually attack the former government. Suddenly the boot is on the other foot. The shadow Minister for Health is reported as having said that in government it is far more difficult to make decisions. He also said that the current minister is always missing when those decisions need to be made.

If the opposition thought the situation was bad in July, it was shocked by what occurred in the weeks thereafter. On 1 August the shadow minister detailed how nine Melbourne hospitals were on bypass, including the Western Hospital, offered by the Minister for Health as a showpiece of his winter bed strategy. Others on bypass included the Alfred, the Royal Melbourne and St Vincent's hospitals and the Monash Medical Centre.

All of that resulted from the actions of a government that promised it had all the answers. The government talked about a winter bed strategy and promised that it would work. Since April, the government in general and the Minister for Health in particular have claimed that they would put new beds into the system. My questions are simple: where are those beds and why is the strategy not working? Why are hospitals on bypass at such frequency and levels? Where will the nurses come from to staff those new beds? The hospitals do not know the answer to those questions, nor does the Australian Nursing Federation.

In conclusion, I reflect upon a statement made by the minister when he was in opposition, because it tells a story. In a news release dated 21 July 1999, Mr Thwaites said:

The Kennett government has destroyed our once great public hospital system by cuts and mismanagement. Now it is making the situation even worse by its mismanagement of industrial relations.

I say to the Minister for Health: welcome to the toughest portfolio in government. It is about time he started doing something about solving some of the problems associated with it.

**Question agreed to.**

## COURTS AND TRIBUNALS LEGISLATION (FURTHER AMENDMENT) BILL

*Second reading*

**Debate resumed from 15 August; motion of Mr HULLS  
(Attorney-General).**

**Dr DEAN (Berwick)** — Last night I made mention of a certain portion of the bill that is perhaps gaining more interest than other sections. I noted that the Attorney-General has spent most of his contribution to debate on the bill on that particular point rather than the substance of the bill. That particular point is the removal of the oath to the Queen from the two oaths of office given by lawyers prior to being admitted to the Supreme Court.

Recapping, it was suggested that because England had done away with it, therefore we should. I noted that that was an interesting approach by the government. I also noted that those states that do not have the oath to the Queen — of course, South Australia, Tasmania, Northern Territory and Queensland do have it — have not seen fit to introduce legislation to remove that oath of office. That is the nub of the point I wish to make in the few minutes that I will talk on the bill.

There is absolutely no mention in the second-reading speech of any agreement by the judiciary to the removal of the oath to the Queen.

**Mr Hulls** — Don't disclose confidences!

**Dr DEAN** — I know from the Attorney-General's past conduct that, while he would not refer to any particular conversations, if he had the support of the judiciary he would let everybody know that.

The question then arises of whether he has the support of the judiciary. My information is that he does not. Therefore, although the opposition does not oppose the bill it is of the view that it is inappropriate to go ahead with legislation to change the procedures which have been set up and which are accepted by the courts, particularly when those courts have not consented to the changes and may not wish the introduction of legislation to make them. It is a total interference by the legislature in the procedures of the courts.

It is astounding to take the step of introducing legislation and interfering with the judicial process on such a small issue, presumably because of a political belief. To not have the agreement of the judiciary is totally inappropriate. I could understand if there were a major conflict between the legislature and the judiciary and we could have it out; however, it is an issue not of major conflict but of political whim.

The fact is that many people still recognise that until Australia becomes a republic the courts are the Queen's courts, and that therefore the Queen has a role to play; and it may be traditional. I am happy to state my view that if the courts come to the conclusion that some people they are admitting to practice may not wish to

make a particular oath, I am very happy for the courts to abolish that oath. If they as courts believe they wish to retain an oath I am not happy that the legislature should step in and force them to change the situation.

On an issue as trivial as this it is a misunderstanding of the separation of powers to allow the legislature to instruct the courts on how to go about their internal procedures — and this is an internal procedure. When one is admitted to practise as a barrister and solicitor of the Supreme Court one goes before the Supreme Court and the justices of the court arrive at the bench to listen to one take the oath of admission. The bill means that the legislature has stepped into their court and said, ‘Because I, the Attorney-General, have a political view, I will step into your court and tell you what you must do about this matter’.

I was going to say it is incredibly naive — I do not want to cast aspersions on anyone — but it is beyond belief that someone who has on many occasions espoused separation of powers and the difference between the legislature and judiciary would make such a slip. We have been told that the next step will be legislation to tell courts how people who appear before them may dress. Whether the profession or the judiciary decide they do or do not want people to wear wigs when they appear before them, we are told that will be the Attorney-General’s next step. One has to ask, ‘Where will it stop?’.

**Mr Hulls** interjected.

**Dr DEAN** — That is a cheap shot but it misses the principle. I am in favour of the abolition of wigs, particularly in civil matters, but the difference between me and the Attorney-General is that I will not and would not introduce legislation, firstly, on such a trivial matter, and secondly, on a matter that tramples on the jurisdiction of the court. If the Attorney-General does not understand that principle at all, what will be the next step? Perhaps the Attorney-General will come to the view that there are other things about the courts he does not like and he will introduce legislation on them? Perhaps a couple of the decisions they make will not suit him and he will legislate on those. Once you open the door to legislation on the internal workings of the courts, you are opening a door to a breach of the separation of powers.

**Mr Hulls** interjected.

**Dr DEAN** — Legislation on class actions is fine because the courts want legislation on class actions. They have asked the Attorney-General to do it. I hope

he will do it, and I am sure he will, because it is a good idea.

My last point is that in the second-reading speech the Attorney-General said one of the reasons he was introducing the legislation was that Mr Moller was a republican and did not want to take the oath. He did not want to swear allegiance to the Queen, even though they are the Queen’s courts and he took his course and completed it knowing exactly what was required of him. For him to then say to the Attorney-General, ‘Because I, Mr Moller, am a republican I want you to introduce legislation to change the processes of the court so I, Mr Moller, can tell the courts how I should be able to approach being admitted to their courts’, is an extraordinary reversal of who has the right and who does not. It shows a lack of balance to suggest that because Mr Moller is unhappy with a situation that he knew about, the government should introduce legislation to that extent.

What is occurring here is not a deliberate attempt by the Attorney-General to interfere with the courts, but something that is much more worrying. I believe the Attorney-General does not understand when he is stepping into the judicial area. My information is that the chief justice required that it be done by legislation for the very reason that he was not going to do it himself. I have had no conversations with the chief justice about this at all, but my information is that that is the case. If the Attorney-General wishes to raise that, which I was not going to raise, I will be happy to take it up.

I support the Attorney-General’s attitude towards wigs and gowns and support every effort he makes to get the profession to change its mind about that issue. There are other changes I would like to suggest — I will not, because he will pinch them — which I think would be even better. The government says, ‘We like to bring the people with us. We are into consultation. We do not go out and just legislate to force people to do things they do not want’. It would be much better if it wants to change the style of dress or whatever that it bring the profession with it. It should use the advocacy skills which I am sure the Attorney-General believes he has in great bundles.

**Mr Hulls** — We will go arm in arm together!

**Dr DEAN** — All right, we will go arm in arm together, but the government should do it that way. The point was made that the Kennett government was far too ready to ram its views home through legislation, yet the former opposition is doing in government what it said the Kennett government did.

The other changes concerning the recording of proceedings, the reference of civil proceedings for rehearing and double-tier appeals are all extremely appropriate and good amendments. At first blush one would think the proposal to remove a double-tier appeal would remove an appeal, but of course it does not. Those who appeal from the Victorian Civil and Administrative Tribunal (VCAT) and the Magistrates Court have a better right of appeal automatically by going to the Court of Appeal than someone in the Supreme Court, who gets only one course of appeal, which is to the Court of Appeal. That is perfectly appropriate. The possibility exists to apply for leave to appeal to the Court of Appeal just as one would make application for leave to appeal to the High Court.

In relation to the VCAT, the reserve County Court judge is to be a vice-president of the tribunal. That is fine. The tribunal is modernising — it is becoming American — with presidents, vice-presidents and deputy presidents in its courts. I think it is great. Bringing the term ‘vice-president’ into a court context is good, and I can understand why reserve judges, who I think are under-utilised, might be used for that process.

The changes concerning the suspension of non-judicial members are important. I understand why the reversal occurred. It was noted at the start that it was inappropriate that the Attorney-General needed the approval of the president to take such action. I am glad that has been reversed. However, I still think the Attorney-General has given up his right in relation to a suspension, even if the president does not give approval. That raises the question of whether, if the Attorney-General does the appointments, he should also do the suspensions or whether those actions should be undertaken by the president.

Although it is not world shattering, and I realise the Victorian Civil and Administrative Tribunal is different, I note the Attorney-General has given up the right to proceed with a suspension even if the president disagrees.

*Honourable members interjecting.*

**Dr DEAN** — Yes, it is, but in that case perhaps the president should make the appointment rather than the Attorney-General.

The miscellaneous amendments and amendments relating to the disqualification of members from hearing are already being practised. It is good they are now clear for everyone to see.

The opposition does not oppose the bill. The important point about the oath of office is that it goes too far. The Attorney-General might check that the amendment to the appointment of the president is exactly what he wants.

**Motion agreed to.**

**Read second time.**

*Remaining stages*

**Passed remaining stages.**

## CONSTITUTION (AMENDMENT) BILL

**Independent amendments circulated by Mr INGRAM (Gippsland East) pursuant to sessional orders.**

*Second reading*

**Debate resumed from 1 June; motion of Mr BRACKS (Premier).**

**The ACTING SPEAKER (Mr Loney)** — Order! Before calling the honourable member for Berwick, I advise the house that I am of the opinion that the second reading of the bill requires to be passed by an absolute majority of the house.

**Dr DEAN (Berwick)** — Where does one start on such a bill? What an extraordinary thing it is for a government that is in power despite not having a majority — so it is a government that did not get a majority at the election — to decide within one month of being elected to have a crack at the upper house, as if it did not have enough to occupy its mind. The government knows it does not have a mandate but has decided to slip in a bill as quickly as it can to change the upper house. It then has the temerity to say this is not political. Frankly, I do not think a minority government has ever decided that as one of its first acts it will change the seat of democracy on which it has not been elected. Nevertheless, that was step no. 1.

Step no. 2, in the most amateurish, sad and embarrassing episode, was that the government introduced a bill to change the upper house with five provinces, each with eight members. What did it find? It found that it did not have any agreement with the opposition or the Independents; and then to its dismay found it did not have the approval of its own members. Red in the face, the Premier had to stand up and say, ‘Oops, we were a little quick on this. We will have to withdraw the bill and start again’.

The government is about to introduce one of the most major changes ever made in the history of the Parliament. It does it immediately on being elected as a minority government. It is a complete — I will not use the word cock-up because that would be an inappropriate word to use — muck-up. Before it introduced the bill the government did not discuss it with anybody, not even the Independents, and it had to be removed. There is a little thing called democracy.

*Honourable members interjecting.*

**Dr DEAN** — I understand the government's embarrassment, but honourable members should calm down. The thing about democracy, which the government when in opposition lectured everybody from one end of Victoria to another about, is that when you make changes, let alone changes to the seat of democracy, you discuss it with the electorate. The bill will completely change the rights of Victorians. The government introduced an act a month or two months after being elected, without even talking to the electorate about it but asking, 'What do you think is the best process?'. It made a huge error in not discussing it with anybody inside or outside Parliament.

The government then had another crack at it. It changed the bill slightly so rather than having only two regional and country provinces to cover the whole of Victoria, there are now three, one of which undoubtedly will include a large metropolitan area, probably Werribee. One assumes the government went out and talked to the public about such a massive change, got onto talkback radio, arranged all the issues and probably put together a commission to examine it all, and that is why it has come back with the new model. One would be absolutely wrong to think that. The government did not learn a thing the first time when it completely mucked it up because it did not consult or talk with anyone. It had a political purpose in mind, one that has been in the mind of the Australian Labor Party for about 50 years, and rushed the legislation in. The government did not learn by that and has done the same thing again. It wonders why it gets exactly the same response when it has introduced a second bill with a minor change of three country provinces rather than two.

I understand there have been discussions with the Independents and that the Independents have decided they want to change the bill as well. I received the proposed amendments yesterday and I believe they are central to the bill.

I understand amendments will be proposed so that the blocking of supply is no longer the blocking of supply! This is one of the most important issues to confront any

parliament, certainly the commonwealth Parliament and this Parliament. It is just a little change!

I wonder why the government did not ask the Independents about that before it introduced the bill a second time. The Independents having said they did not agree with the first bill, the government introduces the second bill and then asks the Independents what they think of the proposed amendments, and they say they want changes to that bill. The way to do it is to ask first and introduce the bill second. It is quite simple; it is called democracy.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Loney)** — Order! There is too much noise in the chamber.

**Dr DEAN** — One of the main reasons you do that is to stop yourself looking like an idiot. The government introduces proposed legislation for a major reform of the upper house only to find that essential amendments that change the bill entirely have to be introduced. It may be that in a couple of days we will have further amendments that will change the nature of the bill again.

I make a suggestion: if the government wants to change the constitution and change hundreds of years of the way democracy has been practised in this state, the first thing to do is to say, 'We will not do this in a hurry because it is a very important matter. We will go out and get lots of expert advice'. The government may appoint a commission of independent jurists who understand the intricacies of the constitution. I am sure the small group of people who have put this bill together are constitutional lawyers who could lecture at Monash University. As well as members of the government deciding while sitting around a table in a little room how the constitution of Victoria should be amended, it would have been helpful if they had gone out and asked people who have spent years studying this issue to form a commission so they can investigate it and set out the issues for the public.

In this case the program has been for the bill to be introduced quickly without any consultation and to have no-one agree with it. The bill is then withdrawn. A second bill is introduced, again with no consultation, to which the Independents propose major amendments. The opposition do not agree with that bill, either, so the Premier goes on radio and says the government will establish a commission to investigate the issue. I put to the government that it may have been better to appoint a commission of inquiry first and then draw up the legislation. If the government is worried about what is

right and what is wrong, why is it putting the wheelbarrow behind it instead of having the wheelbarrow in front where it should be. First the commission, then the discussion, and then the bill.

People rightly ask the Premier, 'Why didn't you appoint the commission first and discuss the issues, because the Liberals would have been involved in it and you could have pinned them down on all sorts of issues?'. The Premier says that after the commission the government will hold a plebiscite to find out what the people think about the issues. There are now two wheelbarrows being pulled from behind! How can you possibly guarantee a plebiscite before you appoint a commission? What does that say about the commission? What if the commission says, 'We do not think any of those amendments are any good. We think the situation as it stands is terrific.'? Is the government still going to hold a plebiscite?

The Premier has guaranteed that the government will hold a plebiscite despite the fact that he has no idea of what the commission will decide. We will have a plebiscite even if the commission decides that everything should be left as it is. If the plebiscite asks whether the people agree with the commission that the constitution should remain as it is and they say no, the government is in real trouble, because the commission has said it should remain as it is.

It is a total muck-up. How could any government make a mistake at this level about a bill that is altering the constitution and the Victorian Parliament. There is a reason. The Labor Party has on its back the political burden of 50 years of history. The Cains and Kirners of this world want the government to have a crack at changing the constitution. Because the government is inexperienced and because it won government when not expecting to, it is relying on people who could not do it last time. They have already had a crack at this and failed, so they approach the government and say, 'In our view you introduce the bill and away you go'.

The government got sucked right in. It introduced the bill without any proper process, and now it has been caught with egg all over its face. The government has made this shocking mistake because of its political imperatives. That is what happens when you are under pressure politically. It has political motives as distinct from a general desire to make the place work better. The government is making mistakes because it is not thinking about the merits of a matter as important as this — how it will work and how people will react. Its attitude is, 'Whoopee, we have got into the tuckshop. Let's have a go at the sweets'. The political imperatives have led to this process.

As well as the process being a complete muck-up, I can go through the bill point by point highlighting how ridiculous it is. I want to give one example prior to the suspension of the sitting. The government has decided that it will remove the need for the triggers for the dissolution of Parliament. It has removed the trigger of supply and removed the trigger of bills of special importance. That is where a bill nominated as a bill of special importance is sent to the upper house and is rejected twice, allowing the government to call an election. The government now says that the only basis on which the government can call an election is on the passing of a want-of-confidence motion in the lower house.

I give the house a scenario. Let us say that we have a Labor-controlled upper house and a Liberal-controlled lower house. The Labor-controlled upper house goes crazy and blocks every piece of legislation. The government is not able to govern. Year after year the government cannot govern and there is a complete breakdown of government. How can the government call an election? It will have no alternative but to pass a motion of no confidence in itself! It is unbelievable that the government would put itself in that position. I imagine this will not get into the press because the media does not seem to be that interested.

It is a crusty old issue, but it is extraordinary that this has happened. But it has happened for one reason and one reason only. There was no proper process, a process that would take time and would have a lot of impact. It was not gone through. It is an immature way of going about what is an important matter. It lacks professionalism. I cannot believe the Attorney-General has not alerted the government to some of the problems that are inherent in the bill. The opposition will let the government know about them later.

**The ACTING SPEAKER (Mr Loney)** — Order! The honourable member for Berwick will have the call the next time this matter is before house.

**Debate interrupted pursuant to sessional orders.**

**Sitting suspended 1.00 p.m. until 2.03 p.m.**

## QUESTIONS WITHOUT NOTICE

### **Workcover: premiums**

**Dr NAPTHINE** (Leader of the Opposition) — I refer the Minister for Workcover to a centre for the intellectually disabled based in country Victoria which has experienced minimal Workcover claims over the past 10 years, to the extent that it had been levied at

80 per cent of the industry rate and had minimal payroll changes, and now after the goods and services tax exclusion it has suffered a 46 per cent increase in Workcover premiums. What will the minister do to ensure that the massive Workcover premium increases will not cause a reduction in services to the people with intellectual disabilities attending that centre?

**Mr CAMERON** (Minister for Workcover) — Mr Speaker, as you are aware, the Workcover scheme in Victoria has an experience rating system, which means that premiums go up and down. There is a cap of 20 per cent for small and medium-sized businesses, as is the case in this instance. However, over and above that there has been the 15 per cent increase in premiums and the 12 per cent increase as a result of the introduction of the goods and services tax. All honourable members recognised that there had to be a 15 per cent increase because of the financial mess in which the previous government left Workcover.

*Honourable members interjecting.*

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

**Mr CAMERON** — The government has to fill that black hole — and the opposition recognises that.

This is a small or medium-sized operation. An increase of 46 per cent is the result of a change in remuneration.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the opposition benches to come to order to allow the minister to answer the question. The level of interjection is not acceptable.

**Mr CAMERON** — If that were the case, there would have been an administrative error that would have been remedied. Notwithstanding the many examples, not one has been identified. There may be an example because there is a cap leading upwards of 20 per cent. The experience rating system can decrease. Some 30 per cent of employees are paying a lesser premium rate this financial year. This year's budget contained a huge increase for disability services because of the government's commitment to such services. It is odd that the opposition suddenly does not like the experience rating system and has abandoned its commitment to occupational health and safety.

The government wants to prevent injury. That has to be the driver of the system. Fewer injuries will translate to lower premiums. The government wants to prevent workers from becoming disabled.

### **Major events: government strategy**

**Mr HELPER** (Ripon) — Will the Premier inform the house of the government's new approach to Victorian major events that will balance the need for financial responsibility with continued targeting of Victorian major events?

**Mr BRACKS** (Premier) — Today I announced details of a new major events strategy in Victoria that builds on the good work of the chairman of the Victorian Major Events Company, Mr Ron Walker, who, most members would know, has served three different governments. He was appointed by the previous Labor government, served under the previous Liberal administration and is now serving a Labor administration. Clearly his work has stood the test of time and the results are on the board. I appreciate his work.

To improve further on the major events strategy in the state, today I announced a new transparency arrangement for major events in Victoria. For all those disparate accounts held for major events, some being in the programs of government departments and some in the Treasurer's advance when matters have run over budget, there will be a capped figure of \$40 million in the budget accounts ahead of time for major events in Victoria, as a net cost to the taxpayers of Victoria. Receipts for many millions of dollars will be submitted for the conduct of those events, and receipts will go out, but where there is a net cost to the taxpayer, such as for a licence or some other arrangement, the total sum the state will bear in the future will have a cap of \$40 million identified in the budget, ahead of time and transparent for the taxpayer.

It is a good way of operating. It provides the Victorian Major Events Company with the flexibility of capturing new, one-off and ongoing events, and also provides the Victorian taxpayers with transparency so they know the cost of those events. Therefore, those two significant obligations will be met.

In the future three clear criteria will build on the work of the major events company: firstly, unemployment and strategy impacts. Clearly that will be the major predeterminant of the events in Victoria.

The second criterion will be the tourism benefits — and that is, of course, a major matter. The third will be opportunities to profile Melbourne and Victoria internationally and to enhance the state's international reputation. In the future the government will judge events according to those three criteria.

I am pleased also to announce that the Australian Grand Prix Corporation has been able to secure an extension of the Australian Formula One Grand Prix from 2006 until 2010 — a further four years. That is a great thing for Victoria.

*Opposition members interjecting.*

**Mr BRACKS** — I can understand the enthusiasm on both sides of the house on this matter!

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

**Mr BRACKS** — I repeat, I can understand the great enthusiasm being expressed on all sides. The effect is that the formula one grand prix will be held here in Victoria for the next 10 years. That is a very good thing.

I am pleased to announce that a new report has been released today outlining an economic analysis of the grand prix. It is an independent report prepared by the National Institute of Economic and Industry Research. It found that the event will generate \$748 million between 1996 — when Victoria got the extension — and 2006. That is significant economic benefit for the state.

*Opposition members interjecting.*

**The SPEAKER** — Order! The honourable member for Mordialloc! I ask opposition leaders at the table to cease interjecting. I also remind the Premier of the need to be succinct and to conclude his answer.

**Mr BRACKS** — In conclusion, the report also found that the 2000 event netted Victoria \$130 million and created the equivalent of 3100 full-time jobs.

The new major events strategy, of which that event will be a part, is a major advance in ensuring taxpayers know what they are spending money on and what the net cost is. It will also ensure taxpayers know the benefits according to proper, conservative, published economic data. That is a good balance. The strategy is good for Victoria.

### Essendon Airport

**Mr RYAN** (Leader of the National Party) — Given the report published today in the *Australian* to the effect that the federal coalition government is almost certain to keep Essendon Airport open, will the Premier now commit the Victorian Labor government to another policy reversal, this time to the benefit of country Victorians, and support the retention of Essendon Airport?

**Mr BRACKS** (Premier) — I saw the report in the *Australian* that the Leader of the National Party referred to. I think it makes reference to the Deputy Prime Minister, Mr Anderson, who indicated that his preference was for the sale, if there were to be any sale, of Essendon Airport as an airport and not for other land use, and that that was the case he would be putting. I know there has been a split in the coalition here in Victoria — —

*Opposition members interjecting.*

**Mr BRACKS** — Is there no split?

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Springvale!

**Mr BRACKS** — I know there has been a split and a separation of the coalition in Victoria, but that is not the case federally. I am therefore perplexed, because the government now has two items of correspondence, one from the previous federal Minister for Finance, and one from the current minister, Mr Fahey, offering to the Victorian government an interest in the purchase of Essendon Airport for uses not necessarily to do with airports. One arm of the federal coalition, Mr Fahey, wants to dispose of the property with no conditions and with no requirement that it remain as an airport, and on the other side the federal National Party says it will think about selling the land only as an airport.

Clearly, on policy matters the coalition is split federally: one arm is telling the government one thing but in press releases to the newspapers we are hearing something else. No wonder they have split in Victoria!

**Mr Ryan** — I raise a point of order on the question of relevance. The reality is that the report exists. The question I framed was in relation to that report and I have sought a response from the Premier about the government's attitude to it.

**The SPEAKER** — Order! I do not uphold the point of order. The question related to the future of Essendon Airport. The Premier was being relevant in his response and I will continue to hear him.

**Mr BRACKS** — I repeat, the government's current advice from the federal government is that it wants to dispose of that asset, not necessarily for use as an airport but for any purposes possible. Our policy is clear: we see it as a development opportunity for the state. What we are seeking is clarification on whether there has been a switch of policy federally. Why can't the Liberal Party and the National Party get their act

together? There has certainly been a split in Victoria, and there is a policy difference federally.

**Public sector: asset investment program**

**Mr CARLI** (Coburg) — I refer the Treasurer to the government's commitment to deliver better services and restore public infrastructure in Victoria. I ask the Treasurer to inform the house of how the government is tackling the infrastructure backlog left by the previous government.

**Mr BRUMBY** (Treasurer) — I am pleased to advise the house that today I am releasing budget information paper no. 1, which details the Bracks government's public sector asset investment program for 2000–01. The bottom line in that paper is that the government is getting on with the job of growing the whole of the state and building a more competitive business environment as well as delivering better services to all Victoria.

This year's budget public sector asset investment program will see investment in infrastructure increase by 13.8 per cent to \$1.279 billion. It will involve a big boost to asset investment in regional Victoria in education and in overall works. I point out to the house that over the next four years total budget asset investment in this state will almost double from a budget estimate of \$1.1 billion in 1999–2000 to \$1.9 billion by 2003–04. In other words, it will get on top of the infrastructure backlog that was left to us by the former Kennett government.

*Honourable members interjecting.*

**Mr BRUMBY** — You hate good news, don't you!

The government's capital works program will boost the state's economic capacity and will target the key drivers of growth in this state, particularly in education and transport.

I am delighted to say that investment in education will increase by 33 per cent from \$188 million to \$251 million, modernising Victoria's training infrastructure and boosting skills. Investment in health and community services will increase from \$209 million to \$227 million.

Finally, the Bracks government is also getting on with the job of rebuilding opportunities in regional and rural Victoria. In this budget, 45 per cent or \$516 million of expenditure on major new asset investment projects commencing this year will be directed to rural and regional Victoria — that is, 45 per cent compared with

22 per cent in the last budget of the former Kennett government.

So which political party is standing up for regional and rural Victoria? Which political party is rebuilding the state's infrastructure? Which political party is targeting the key drivers of growth in this state? The Bracks government is rebuilding those opportunities across the state.

Voters across the state, particularly those in regional and rural Victoria, are giving the asset investment program the big thumbs up because the government is delivering.

**Workcover: premiums**

**Mr CLARK** (Box Hill) — I refer the Minister for Workcover to the case of Seahawk Pty Ltd, a small light engineering company in Bayswater that has been in business for 19 years and manufactures products for leisure boating. It has never had a Workcover claim and yet its Workcover premium has increased this year by 54 per cent. Did the minister consider the impact on small businesses such as Seahawk before implementing his massive increases in Workcover premiums?

**Mr CAMERON** (Minister for Workcover) — There is a cap of 20 per cent increase in premium rates for small and medium-sized firms even if their industry has a bad occupational health and safety record. That is the way the system works; it depends on the experience in a particular industry as well as individual experience.

The previous government introduced the experience rating system and each year a calculation is made about the risk in that industry in the same way as other forms of insurance are calculated. Using house insurance as an example, a calculation is made every year about the probabilities concerning fire and other risks and people pay the fire insurance whether or not their house burned down last year. The premium reflects the risk just as for commercial properties and this is the way the experience rating system works in Victoria for industries.

It is critical to get industries that do not have good occupational health and safety performance to effect greater improvements in that area. It is the experience rating system that has been in place — —

**Dr Napthine** interjected.

**Mr CAMERON** — Obviously the experience in that particular industry has been poor.

In some other industries premiums have been lowered and indeed 30 per cent of employers have a lower premium rate this year notwithstanding the increases of 15 per cent that have to take place to fix the enormous financial crisis in the system left by the previous government. The opposition parties have considerable knowledge of the experience rating system. They know it is the way the system operates.

**Rural Victoria: doctors**

**Ms OVERINGTON** (Ballarat West) — I refer the Minister for Health to the importance of attracting more medical professionals to country Victoria. Will the minister inform the house of the progress of the government's policy to boost the number of general practitioners in rural Victoria?

**Mr THWAITES** (Minister for Health) — Just as the Treasurer has indicated that the government is putting more infrastructure into rural Victoria, I am pleased to inform the house that it is getting on with the job of putting more general practitioners in rural towns.

The previous government ran an advertising campaign to attract more doctors from overseas to country towns. It made a big deal about it. The problem was that it did not have approval from the federal government, and it is the federal government that has — —

**An honourable member** interjected.

**Mr THWAITES** — The honourable member asks how come New South Wales got it. Perhaps the New South Wales Labor government was better than the Kennett government at negotiating with the federal government.

The present government did the job that the opposition when in government was unable to do — it negotiated with the federal government. I am pleased to say that the federal government — the government with which you on the other side could not agree — has now agreed to the new program. The federal government has been able to achieve agreement with the state Labor government that the previous Liberal government was unable to achieve. The agreement will provide for 62 Victorian townships to be areas of special need for rural doctors.

I am also pleased to announce that 13 doctors have already been granted access to the Victorian scheme, 10 of whom have already commenced and 3 of whom are due to commence shortly. I am pleased to inform honourable members that there will be doctors in Bairnsdale, Beaufort and Clunes — and I am sure the honourable member for Ripon is very happy about that.

There will be a doctor at Maryborough, where Labor has a very good local member, and a doctor at Moe for the honourable member for Narracan. It is a very good program.

I am also very pleased to announce that the government has committed a total of \$870 000 over the next three years for that new scheme. The money will fund the rural work force agency in Victoria to advertise and recruit the doctors. It will also assist the Medical Practitioners Board of Victoria to provide packages of support for the doctors and to ensure the best possible services for local communities.

The government is also putting in place a web site advertising Victoria as the place to be for overseas doctors, and I am sure we will be successful in a way that the other side could never have dreamed of.

**Workcover: premiums**

**Mr CLARK** (Box Hill) — I refer the Minister for Community Services to reports that disability service organisations such as Gateway Support Services and Melba Support Services will have to cut services to clients in order to pay Workcover premiums. What warning of that problem did the Minister for Workcover give to the minister, and when did she advise agencies about this massive increase?

**Ms CAMPBELL** (Minister for Community Services) — The Treasurer, the Minister for Workcover and the entire government were informed of the fact that for the last two financial years of the Kennett government Workcover had a \$300 million black hole.

The Bracks government is committed to good financial management. It is also committed to a socially progressive agenda, which includes restoring common-law rights to seriously injured workers, and in May increasing the disability budget by \$96 million. The government is proud of that record. It intends to ensure that Workcover is fully funded within three years. It also intends to deliver the \$96 million of increased funds to disability services to give better life opportunities to people with disabilities.

**Mr Perton** — I raise a point of order, Mr Speaker, on the matter of relevance and on debating the question. The question specifically asked the minister to advise the house when she was informed of the premium increases and whether she would compensate the agencies for the loss. She obviously has a typewritten answer for a different question. The house wants to know what percentage of the claimed increase is going to be frittered away on Workcover increases.

**The SPEAKER** — Order! On numerous occasions when taking points of order, I have indicated to the house that the Chair will not tolerate points of order being used to make points in debate.

On the question of relevance raised by the honourable member for Doncaster, the question from the honourable member for Box Hill went to the impact on disability services of Workcover premium increases. The minister was clearly being relevant in her answer and I will continue to hear her.

**Ms CAMPBELL** — The point is that disability service organisations knew that Workcover was going to be fully funded within three years. The government has stated that publicly. It has not been shy about informing Victorians of that fact. Victorians also knew that they were going to be hit with a 10 per cent slug on every bill as a result of the federal government's goods and services tax. There was also a 2 per cent increase from a flow-on effect of the goods and services tax.

The government had no secrets in regard to Workcover. Disability organisations, businesses and other organisations in Victoria were aware of that fact when the government introduced common-law rights for seriously injured workers.

### **Waste management: infrastructure funding**

**Mr MAXFIELD** (Narracan) — I refer the Minister for Environment and Conservation to the importance of recycling for industry as well as for ordinary householders. What is the minister doing to improve and support infrastructure for the waste industry?

**Ms GARBUTT** (Minister for Environment and Conservation) — I thank the member for his question and for his interest in recycling and waste management.

*Honourable members interjecting.*

**Ms GARBUTT** — It could not be much worse than under the previous government, when Victoria lost its reputation and leadership position in recycling and waste management. When the Kennett government came into power, Victoria was the leading state in Australia; now it is the worst. The government is determined to restore that reputation and leadership position in waste management generally, and in recycling in particular. In the last sessional period the government introduced the Environment Protection (Enforcement and Penalties) Bill. The bill increased penalties, bringing them up to community expectations and into line with those in other states. The community

is now seeing prosecutions taking place, with a hope of real penalties being applied.

Today I am happy to announce another step in restoring Victoria's former position and in providing better services through an allocation of \$3.83 million for recycling and waste management infrastructure in the form of a range of grants. The grants will be used primarily by local government and the private sector in recycling services, waste management facilities and green waste recovery. The total investment arising from the grants is over \$14 million and covers 66 projects, 31 of them in regional Victoria.

I will outline a few of them. Some \$25 000 will be allocated towards a mobile education centre in the Geelong area; \$20 600 will fund the development of a strategic recovery facility and waste receival centre at Inglewood; \$90 000 will fund the construction of a transfer station at Giles Road, Trafalgar, which I notice the honourable member for Narracan is pleased to hear; \$23 000 will go towards the establishment of a transfer station at Tostaree to facilitate the closure and rehabilitation of two landfills in East Gippsland; and a regional organics processing facility for Seymour Rural Equipment Pty Ltd will receive funding of \$100 000.

Recently, I also announced funding of more than \$300 000 over three years for the installation of weighbridges at regional landfills. They will be a great boost to proper waste management processes because they will provide an accurate measure of the quantity of waste being delivered throughout Victoria. The total cost of planned weighbridge installations in Victoria will be more than \$1.4 million. The government is determined to improve waste management services and restore Victoria as a leader in recycling.

### **Workcover: premiums**

**Mr CLARK** (Box Hill) — I refer the Minister for Workcover to the admission by the Minister for Small Business at the Public Accounts and Estimates Committee hearing last week that many small businesses are hurting as a result of the government's Workcover premium increases, and I ask: what responsibility does he accept for the pain he has caused?

**Mr CAMERON** (Minister for Workcover) — It is an interesting question, given that the previous government introduced the experience rating system. Ultimately, the question to be asked about hurt being inflicted is why the previous government ran the system so badly that in its last two financial years there were massive losses to the scheme totalling \$300 million.

The scheme was out of control, notwithstanding some good investment returns. The government is determined to fix the financial mess — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask honourable members to cease interjecting. I warn the honourable member for Mordialloc. I have called him to order on three occasions.

**Mr CAMERON** — The government's aim is to fix the financial mess and it is determined to do so.

### Judicial education and training

**Mr WYNNE** (Richmond) — I refer the Attorney-General to the desirability of facilitating education and training for members of the Victorian judiciary, and I ask him to inform the house of the steps the government is taking to develop and implement judicial education and training.

**Mr HULLS** (Attorney-General) — Victoria is leading the way in judicial education and training in Australia. A judicial education scheme aimed at ensuring that judges and magistrates receive appropriate skills and training will be established in Victoria with the strong support of the state's judicial officers.

A working party comprising representatives of the Supreme Court, the County Court and the Magistrates Court has been asked to provide a report by late October on the most effective model for judicial education and training.

Judicial education and training is part of the Bracks government's commitment to providing better services to the community and to modernising the courts and the legal profession. It will assist to ensure that judicial officers at all levels have the necessary knowledge, skills and tools to enable them to perform their job at the highest level.

In any other job a person receives training before starting employment, with ongoing training and education throughout his or her career. The role of a judge is one of the most important roles in our society. The skills of a barrister and solicitor are not the only skills required to be an effective judge.

During my recent overseas trip I found that Australia lags behind other countries, particularly the United Kingdom and the United States of America, in judicial education and training. The house might be interested to know that after initial scepticism about the need for

education and training, both the Judicial Studies Board in England and also the California Centre for Judicial Education and Research have made it quite clear that education and training are now not only readily accepted in their jurisdictions but are also in very high demand. Judicial education has made the court systems in both the UK and the USA more efficient and effective. The training has contributed to the overall professional development and morale of those who administer justice.

It is important that we introduce a formalised education and training system in Victoria. Judicial education and training both before a judicial officer is appointed and also during his or her term is essential to maintaining the highest expertise and professionalism in the judiciary. Victoria will certainly lead the way in this area.

## CONSTITUTION (AMENDMENT) BILL

### *Second reading*

**Debate resumed.**

**Dr DEAN** (Berwick) — Before the suspension of the sitting I was pointing out the extraordinary way this bill has come before the Parliament and that it attempts to make one of the most significant changes any parliamentary system could possibly make.

I noted the unprofessional way the government went about getting to this point, introducing within a couple of months of gaining power as a minority government a bill to change the upper house and the way Parliament is to operate in this state forever. It did so by introducing a bill that was not only inappropriate so far as the opposition was concerned but was also not agreed to by the Independents. Then, lo and behold, the government found out that even its own members did not accept the proposed legislation, and it had to withdraw the bill.

Having got itself into that ridiculous position on such an important matter, rather than taking note and realising that it had put the cart before the horse, the government decided to introduce another bill. On this occasion it made small amendments to the original bill, so the new bill had exactly the same faults as the previous bill.

It was then absolutely amazed when the opposition still did not agree with that bill, which effectively only changed the proportional representation situation in country Victoria from two provinces to three, one of which would have a metropolitan base.

We reached the crazy situation where the government, having realised it had done it the wrong way once and introduced another bill, realised it had done it the wrong way again, so the Premier said, 'Shock, horror, the opposition does not agree with this, either, so we will have a commission to discuss what we should actually be doing'. Isn't it a bit unusual to hold a commission to find out what you should be doing after you have introduced two bills into Parliament? When the opposition said, 'It is about time you took this seriously and had some discussion in the community', the Premier said, 'Then we will have a plebiscite'.

So the Premier was going to have a plebiscite after the commission had completed its work, presumably regardless of whether or not the commission decided there should be a plebiscite. For entirely unprofessional reasons and because of a political desire to fix the upper house the government has got itself into a complete and utter mess. It has done backwards what it should have done. Instead of first having a plebiscite, then a commission to discuss all the constitutional issues and then framing a bill, the government has done it in exactly the reverse order.

How can the government expect the opposition or the public to take this proposed legislation seriously when the government has said it feels it now should establish a commission to examine the whole issue and determine what reforms should be made! Why would you call for a commission after you had introduced a bill providing for what you believe is the way the upper house should be reformed? What would you expect the commission to do? Presumably you would expect the commission to say, 'This is the way you should have done it'.

It was extraordinary to suggest that members of the opposition — right-thinking people — should agree to a bill that had not yet been properly debated in the community and when there had been no opportunity for the legal issues to be determined. With such an important bill being dealt with back to front, when you look at it you realise it has gigantic flaws that are in legal terms absolutely beyond belief.

As I said, the government has decided to remove from the bill the triggers for an election — the blocking of supply and a bill of importance being twice rejected by the upper house — so that the only basis on which an election can be triggered is the end of a four-year fixed term or a motion of no confidence. No-one has thought it through. It would mean that if, for example, we had a Labor upper house and a Liberal lower house and the Labor upper house decided it did not like the Liberal lower house and refused to pass any of the legislation

that the lower house had passed, year after year the government would slowly collapse and decay because it could do nothing, and at the same time there would be absolutely no trigger for calling an election. It would not be able to put up the special-bill-twice-rejected argument, so what could it do?

It would have one alternative under this proposal: it could move a motion of no confidence in itself. That is the only way it could trigger an election in that disastrous situation of a government falling apart.

I would have to say that any government that decided that the end result of legislation it had put before the house to try to resolve a constitutional conflict was to move a motion of no confidence in itself either wanted to embarrass or make a complete and utter idiot of itself or had rushed the legislation through without thinking. I have no idea why the Attorney-General did not bring the issue to the attention of his own party to save it from this extraordinary embarrassment.

Victoria does not yet have the commission, but it prematurely has the bill. The Independents still do not agree with it and have introduced amendments that will make changes to its major planks, one of which is that supply should not be blocked in the upper house. If the government accepts the amendment — and that will be interesting — it would have been a good idea for it to have had a discussion on those lines before it introduced the bill, instead of again making a complete and utter idiot of itself.

If the government decides it will accept the amendments proposed by the Independents to ensure that supply will not be blocked, how can it possibly say to the opposition, 'How dare you not agree to the bill'? That is extraordinary when the government is about to change the bill on the run. It is an extraordinary muck-up. It should not have been done this way, and no self-respecting party could possibly have accepted the jumble.

I turn to some of the other things the Independents are worried about, including four-year fixed terms and elections when a member retires. They believe it is an inappropriate system to have in the upper house that when a vacancy arises as a consequence of a premature retirement the party to which the retiring member belonged should choose a candidate. Currently the proposal is that if the retiring member belongs to a party, the party chooses. If that is not the case, it is decided by count back. The Independents believe a party should not be able to choose; it should be decided by count back.

One assumes the government thought the issue through when it decided there should be two methods. The reason for the party deciding is simple: if a person of that persuasion has already been elected and a further provincial election is not wanted, it is more appropriate that someone from the same party with the same policies and outlook should fill the vacant spot until the end of the term. The government could not possibly agree to the amendment proposed by the Independents.

**Mr Lenders** — On a point of order, Mr Speaker, under standing order 93, the honourable member for Berwick is referring to the Constitution (Proportional Representation) Bill. He is anticipating the next bill and I ask you to call him to order.

**The SPEAKER** — Order! I do not uphold the point of order. The honourable member for Berwick is making a passing reference and his remarks are completely in order.

**Dr DEAN** — The point I am trying to stress is the incompetence displayed in putting the Constitution (Amendment) Bill and the rest of the program together. The whole program is interlinked. The incompetence shown on such an incredibly important issue is astounding.

I return to the question of count back. The problem with count back — and there is no alternative if you do not have a party — is that usually in a contest between people the person who comes second is almost always the person of the opposite persuasion.

**An honourable member** interjected.

**Dr DEAN** — It is an incompetence point. If the Greens were to win, the person who would come second would probably be from the Let's Cut Down More Trees Party. Because it did not speak with the Independents before it introduced the constitution bills, the government now finds itself in the ridiculous position of having to face accepting utterly inappropriate amendments. The opposition will watch to see whether that is done.

There are provisions in the bill relating to four-year terms, both in respect to the term of Parliament and the duration of the upper house. The government argues that it would be much more convenient if both houses had four-year terms because that sounds good and will be accepted by the public. Politically it would put the government in a better position. The government has not investigated the purpose of upper houses; it totally misunderstands what they are about.

I can provide the house with evidence straight from the Premier's mouth that shows he does not have a clue about what is going on. Recently the Premier said on radio that the only upper house he could find that has an eight-year term is in Turkey. One has to ask, 'What about New South Wales?'. He has not done his homework on the upper house of New South Wales.

Everything has been done in a rush. Words flow out and statements are made because they sound sexy and political and some political kudos might come out of it. The Premier completely misunderstands the point. The argument is put that by having four-year terms the upper house will be more appropriate and a better house of review, but the reason every upper house in Australia has a longer or different term from the lower house is that it cannot be a house of review if it simply mirrors the election period of the lower house. The point of the eight-year term was not because somebody wanted to give members eight years of pleasure, the reason for upper houses nearly always — —

**Mr Smith** interjected.

**The SPEAKER** — Order! The honourable member for Glen Waverley shall cease interjecting.

**Dr DEAN** — The reason upper houses have longer terms, and half the members go up for election and half do not, is because it provides stability. If an election results in the situation Victoria faced after the last election where a majority government was not elected and the result was close, it is appropriate that the upper house retain a vestige of the previous government because those members provide continuity.

It works in the same way for the Labor Party, and I will return to that point. It is nonsense to say that for some reason the Liberal Party has a magical way of getting into the upper house — the electoral boundaries are determined by the commissioner. In due course I will tell the house why the Liberals have had the upper house for a while.

The reason behind the process is that a government that sweeps into victory will probably, particularly over two terms, gain the upper house. And so it should because it has a massive majority and therefore has a right to that mandate. If a government creeps in and stays for only one term, there should be a review process in the upper house and there should be some form of continuity. The reason upper house members have eight-year terms and only half are required to face an election every four years is that they should not have to worry about elections. Every three years they should not have to stop and say, 'We had better start being totally

political'. They can say, 'You guys are going to an election but we are not'.

**Mr Nardella** interjected.

**Dr DEAN** — That such an interjection comes from someone who has spent most of his parliamentary career in the upper house is amusing.

The claim by government members either shows complete ignorance or is a deliberate attempt to mislead the people of Victoria. It has been suggested that the Liberal Party waves its little magic wand at provincial elections to ensure that its members are elected and the poor old Labor candidates are not elected. The reason the Liberal Party has had a good run in the upper house is that from 1955 until 1982 the Bolte government was in office and the Liberal Party had a political grip on this state for all those years.

**Ms Garbutt** interjected.

**Dr DEAN** — Okay, that is true. When John Cain took office the upper house started to swing back to Labor. At one stage Mr Cain required only one more Labor representative. Had he won the next election Mr Cain would have had control of the upper house — and so he should have because Labor would have had all those votes. There is nothing untoward about it; and there is no political mystery. The only reason the Liberals have had a bigger go in the upper house is that they had a grip on the lower house from 1955 to 1982. How many years is that?

**Mr Ryan** interjected.

**Dr DEAN** — From 1955 to 1982. For 27 years they had control of this house, without a blink!

*Honourable members interjecting.*

**Dr DEAN** — I am happy with the interjections, because they are helping my point. I wonder whether it has suddenly clicked in the Labor Party that the claim the former coalition parties have some extra right to the upper house is total and absolute rubbish. How could it be, when the provinces are based exactly on the boundaries of the lower house seats, and the boundaries of lower house seats are determined by an independent electoral commission? Unless the government is saying that the independent commission is crooked and carries out its boundary distribution in an inappropriate way, it should forget the argument, or — better still — admit that its argument is pure, political humbug.

Then there is the argument, 'Oh, the upper house does not do any work; it does not do anything'. For a start,

for 27 years the Bolte government did not have a grip on the upper house, yet everything passed through. If bills had to be passed by negotiation, it was done by negotiation. The upper house played a big role. If bills were not passed unamended, the government had to cope with that — in the same way as the federal government has to cope if it does not have control of the Senate.

I understand that from 1994 to 1999 under the Kennett administration the upper house amended 40 bills and sent them back for reconsideration. How can one possibly say the upper house is not doing the work it should be doing if that is what has occurred?

**Mr Nardella** interjected.

**Dr DEAN** — It is extraordinary that a former member of the upper house should interject. I am sure the honourable member is on record as saying that he was proud to be a member of that house and that the upper house has done a good job in debating bills and other matters. Now that he is a member of the lower house he has suddenly changed his view. Another little fact that history — —

**An honourable member** interjected.

**Dr DEAN** — No, it is important that we look at history, because history contains the truth. What we get from the other side is politics; what we get from history is the truth. During the Kirner–Cain period — —

**An honourable member** interjected.

**Dr DEAN** — Ladies first.

**Mr Ryan** — It is the same result.

**Dr DEAN** — Ninety-seven per cent of the bills the Cain and Kirner governments sent to the upper house were passed; only 3 per cent were rejected or required to be reviewed by the lower house. How can the government run the ridiculous argument that the upper house is not operating satisfactorily or that the upper houses of other Australian state parliaments have different systems and we should change ours to one of theirs? They all have different systems, and the government is not even proposing the system in New South Wales. The key question is whether the system works and whether it does a proper job. History suggests that it does do a proper job.

Why has the government rushed to introduce this legislation like a bull at a gate? Why have government members made complete idiots of themselves by introducing two bills, both of which are flawed? Why

did the government introduce a minor amendment the second time so that provincial Victoria is still in the dire straits it was in previously? Why did the government suddenly call for a commission after it introduced the bill? Why did the Premier say there would be a plebiscite after the commission had delivered its recommendations, despite the fact he does not know what the commission will do?

Why is the government now considering an amendment from the Independents that will change major planks of its proposal? Why is all this a complete and utter mess? How can the government not continue with the bill, particularly when the only trigger for a dissolution of the house will be a motion of no confidence? The government will be caught in a situation of having to move a want-of-confidence motion against itself as the only way of getting out of a difficult situation. Why has all this happened? Are its members incompetent?

**An Honourable Member** — Yes.

**Dr DEAN** — Perhaps they are. If they are not incompetent, another motive appears to have caused them to make so many mistakes. I have no idea how they will cope with the want-of-confidence motion issue. I do not know what the government will do; it cannot possibly put itself in the position of closing all the doors. If it is to change its view on supply and join with the Independents in saying that supply should be allowed to be blocked in the upper house, will it ensure that that is one situation that will allow a dissolution to be called? I hope it does. But if the government does not do that there will be a big problem because supply will be blocked in the upper house and there will be no means of overcoming that problem. It does not really matter, because if the upper house just blocks every bill it will have the same effect.

When one examines the various proposals surrounding this bill — and I can't wait to get to the next bill — one would have to ask, 'Why are these bills not being debated together?'. The answer is that it is political — everything about this is political. These bills have been introduced because the government hopes that, if it gets an upper house with all sorts of minor parties, it will get on better with those parties than the opposition will. That is the government's hope, and history shows that that has proved to be correct. The government will sacrifice a system that works, a system that gives one person one vote instead of reducing representation, for a system that does not have that benefit — all on the basis that it hopes it will have more power than it has had before.

My message to Labor members is this: if they want to win and control the upper house, instead of introducing ridiculous bills that on their face are lacking in any sort of merit or legal expertise, they should get up off their seats, get out into the electorates, and win the provinces that are voted on via a one-vote, one-value system. They should get out there and win the provinces. It is as easy as that. I will not go into proportional representation.

*Honourable members interjecting.*

**Dr DEAN** — I would like to save that for a later time. It is extraordinary. Looking at some of the other small changes that have been made in the bill, firstly, the election period was 25 days; now it is back to 32. Then it was proposed to halve the nomination fee; now the nomination fee has changed again.

Often legislation is prepared on the run. It has happened on many occasions and it is always inappropriate. But for members of a government to think they can change on the run the seat of democratic power in the upper house is an extraordinary indication of a total lack of understanding of the Westminster system and how vital and valuable the democratic system in this state is. Without the understanding that one cannot do things flippantly when attempting to change the structure of Parliament, one cannot understand either that the nuances on both sides, including all the arguments and the legal implications, are incredibly complex and important. It is extraordinary that members of the government think they could do that without proper analysis and advice from a commission, without going to the public and talking about it and getting some response on the issue.

I was asked by a reporter, 'What would the Liberal Party do if we had a plebiscite? Would it follow the proposal?'. I said, 'A plebiscite depends entirely on whether you have gone into the electorate and canvassed the issues'. To date the government has seen no need whatsoever to canvass the issues. Why are the Attorney-General or the Premier not speaking on talkback radio programs, issuing leaflets or putting together panels? Members opposite love committees. Why have they not established committees to discuss the pros and the cons of a change in the composition and length of office of members of the upper house?

Even government members agree that there are arguments in favour of both sides of the debate. Although they say, 'Our argument is best', they also agree that the arguments are complex and will affect forever how the ordinary person in the street exercises a right to operate in a democratic system and has his or

her rights protected. Since members of the government agree with all that, why were the people not consulted? As the issue is so important and so complex, why did they not go out and discuss it?

*Honourable members interjecting.*

**Dr DEAN** — The Attorney-General has said more about smoking tobacco and about mandatory sentencing than about why he wants to change the upper house. As I said, the issue is complex and it must be discussed. Anyone who is so damned arrogant that he or she would say that the change can be made by members of this house because they know all shows that he or she has no idea about the implications of the issue. Such a position reflects total arrogance towards the people the proposal will most affect.

**An honourable member** interjected.

**Dr DEAN** — You are being totally arrogant towards the people of Victoria.

The issues are complex, but they can be discussed in simple terms and an argument can be run in simple terms so that everybody understands what is proposed. Then the government can go forward. What is happening is just extraordinary. This is the government that year after year hounded the previous government on its so-called failure to consult, and yet on the bill that will have the greatest effect on the community it has had no consultation whatsoever.

**An honourable member** interjected.

**Dr DEAN** — None whatsoever.

**An honourable member** interjected.

**Dr DEAN** — And that is just atrocious. I look forward to debate on the next bill because that has even worse problems.

**An honourable member** interjected.

**Dr DEAN** — I do not know how they are going to dig themselves out of this spot. I do not know how they are going to explain to the Victorian people the mistakes they have made a second time around. I do not know how they are going to explain that they might be proposing to make massive amendments on the request of the Independents. For example, if blocking supply is one of the matters addressed in the bill, how will members of the government explain an amendment proposed by the Independents? It is extraordinary to think that they might say to the Victorian people, 'Our policy is that the upper house should not be able to

block supply', then accept an amendment proposed by the Independents and say, 'Whoops, no, no, no — we're happy that the upper house can block supply'.

**An Honourable Member** — Watch this space.

**Dr DEAN** — Establishing a commission when the whole world is slowly falling in on the government is absolute proof that that is what should have been done before. As usual, the government seems to have the cart before the horse.

**Mr RYAN** (Leader of the National Party) — It is my pleasure to join debate on the Constitution (Amendment) Bill. I have listened with much interest to the many points so ably made by the honourable member for Berwick, the shadow Attorney-General. It is interesting that the house is debating the bill today. I want to quote the opening words of the second-reading speech on the Constitution (Reform) Bill, which was first read in this place on 24 November 1999.

The second-reading speech delivered on 25 November 1999 states:

The bill before the house is one of the most significant bills to come before the Parliament.

I am sad to say that on 1 June the bill hit the wall — so that legislation, which was introduced with much flurry on 24 November 1999, is no more. Instead the government has brought another half-baked proposal before the Parliament.

At the start of this discussion it needs to be clearly stated that this is a blatantly political stunt. There is nothing in this except politics; it is a straight-out political stunt. It is an effort by the Labor Party in Victoria to try to overcome what historically it has seen to be an impediment to its being able to have complete control in the Victorian upper house. Labor has been frustrated by that situation for many decades and sees this bill as the mechanism for overcoming it. So on 24 November last year the government tore into this place with legislation that some six or seven months later ceased to be.

Labor says it has been beating the drum about this issue over a long period. In the run-up to the last election this was not one of those earth-shattering issues the Labor Party was running on. It became the flavour of the month during the negotiations with the Independents. That is when it assumed its place in things. That is why, as part of the renowned charter, the government bolted in here on 24 November with the first cut of what it saw as the deal it had done with the three Independents. The notion of this being some sort of fundamental issue

about which the Labor Party has been historically concerned is a lot of rubbish. It came to be what it is on the back of the discussions that occurred with the Independents after the election in September last year and in the course of enabling the current Labor government to obtain the support of the Independents and therefore assume the Treasury benches. That is important also in putting this bill into context.

The statement at the beginning of the second-reading speech of the initial legislation, which is no more, is right. The legislation under consideration is of extraordinary importance to all Victorians. Victorians quite rightly place great store in their constitution and its content. They quite rightly see it as a cornerstone of the way in which our society functions. The result of the debate over the proposed republic that was held some months ago demonstrated a reluctance on the part of people to bring about change without there being a clear argument in favour of whatever the proponents of change were recommending. That is a wonderful thing. It is a marvellous commentary on our society that we have a constitution in which people have great faith and in Victoria, as in other jurisdictions around Australia and for Australia's purposes generally, that strong cornerstone makes up the fabric of the way we live and the people we are.

Justifiably, whenever there is to be constitutional change of any sort it should be brought about on a very deliberate basis. It is one thing to be changing legislation with a view to affecting the way in which general government operations occur; that is the right of the government of the day. However, it is another thing altogether to go about changing something that is so basic to the way our society is constructed, and the change we are looking to make here is such a change. It is all the more reason why the government's introduction of its half-baked proposal on 24 November, in circumstances where it was just coming out of an election that enabled it to assume the Treasury benches after having done the deal with the Independents, was not the right way to have gone about it.

Instead, if the government is bent upon this course in a genuine sense it should have consulted the people of Victoria in any one of a variety of ways. There are many ways of doing that both within the parliamentary system and outside. There could have been some sort of bipartisan attempt to examine this proposal through a parliamentary structure, or a commission could have been established. There are many ways available where Victorians generally could have had the opportunity to express a view about what is proposed in the bills. However, the government was bent on a course because

a deal had been done, and the bill before the house today is part of the delivery of that deal.

I contrast this issue with the debate over drugs. I accept that the government and the National Party have a difference of view about it. However, I believe we have a bipartisan concern about the nature of that terrible problem in Victoria and the ways we need to go about solving it as best it can be solved. The National Party has a view about an aspect of it to do with injecting houses. As it has transpired, that is a difference between us. I am sure there is a bipartisan concern by everybody in this chamber, and everybody beyond the realms of politics, on this issue that society is grappling with, and at least a process was established where one could look to a mechanism involving consultation with Victorians at large. Yes, there are points of difference about what the Penington committee has recommended. There are differences in what community groups have had to say. The great thing is that the community has had the opportunity to be involved.

That whole process is to be contrasted completely with what has happened here. Here we are considering the legislation in circumstances where that process has not occurred. As I said, this is blatantly political.

The National Party opposes the legislation and opposes the other bill which is interdependent on the passage of the bill now before the house. I should also mention that although the rule of anticipation has general application, it is limited in this instance because the explanatory memorandum of the bill commences with the words:

The purpose of this Bill and the Constitution (Proportional Representation) Bill is to implement a package of reforms to the Parliament.

The commentary then goes on to talk about the bill. Clearly this package of legislation is intended to achieve a particular outcome which, in a half-baked sense, was initially set out in the ill-fated Constitution (Reform) Bill that was introduced on 24 November last year and withdrawn on 1 June this year.

For the purpose of this political debate let us examine some of the arguments that are put by Labor. The Premier has often said that the process of election to the upper house is undemocratic. It is a term regularly used. When one examines that one realises it is unmitigated rubbish. At present in this house there are four lower house seats constituting each of the 22 Legislative Council provinces around Victoria. The one-vote, one-value system applies. The simple thing the Labor Party has to do to overcome the frustration it has endured over the years is to win the votes. If you win

the votes, you win the seats. It is a simple process that works for members who are elected to the Legislative Assembly and to the upper house.

I have the great honour to represent Gippsland South, one of the four lower house seats in Gippsland Province. The honourable member for Gippsland East has the honour of representing his electorate of Gippsland East. A couple of Labor Party members occupy the seats of Morwell — currently held by the Minister for Agriculture — and Narracan, and of course that changed at the last election. There is a mix and match of seats in Gippsland Province. It is interesting to note that the Labor Party came within about 750 votes of winning Gippsland Province at the last election because it applied itself and had a bit of a go. I think it surprised itself, but it almost did it.

I refer to the two Legislative Council seats in Ballarat. They were previously held by the Liberal Party, but the Labor Party worked hard in those seats and as it happened won them. That is the way the system works. There is no problem with the way the system functions at the moment. The basic difficulty is that the Labor Party has not had the policies to sufficiently attract country Victorians to vote for it.

During the grievance debate this morning the honourable member for Dandenong North referred to the fact that the Labor government now has a number of seats in country Victoria. If the Labor Party keeps winning rural seats ultimately it will win upper house province seats — and more power to your hand if that occurs! That is the way the system functions. It is a system that has served Victorians well for decades.

I again say that if the Labor Party wins the votes, it wins the seats in rural Victoria. There is no imperative, because they cannot win sufficient upper house seats, for members of the Labor Party to get the mads and the sads and change the rules. They are merely jumping on the bandwagon offered by the Independents to see if they can get this mechanism up. Rather, the Labor Party should continue to strive to win votes, which means winning upper house province seats. That is the way the system works. It is the way the people of Victoria have seen it operate over a long period, and it should continue.

It is extraordinary when one hears the talk of this supposed country-friendly government. In this bill it is proposing a change in the way the system functions that will have as one of its effects a reduction in the voice of Victorians, especially rural Victorians, on the floor of Parliament. The Constitution (Proportional Representation) Bill will have the effect of reducing the

number of members in the upper house to 40. Country Victorians will lose out if that occurs. The new upper house provinces are supposed to comprise 11 lower house seats. I will be interested to see how the maps are drawn up so that 11 lower house seats are included in the new provinces without giving voters in metropolitan Melbourne a slice of the action.

After all this time, after all the talk that has gone on about this new system, where are the maps? Why has the government not produced accurate maps of what it proposes?

**Ms Lindell** interjected.

**Mr RYAN** — I hear the interjection from the honourable member for Carrum, who says the government does not produce the maps. If the government says this proposal will have the effect of 11 lower house seats effectively being covered by an upper house province that does justice to country Victorians, where are the maps?

**Ms Lindell** interjected.

**Mr RYAN** — The flavour of the interjections has changed. As soon as I put forward a rhetorical proposition the immediate reaction of government members is to change the topic and give one of the old bandwagons a run. The government is unable to demonstrate that rural Victorians will not miss out.

**Mr Nardella** — Nor should we.

**Mr RYAN** — The former member of the upper house says, 'Nor should we'. If the government can give effect to this measure in a way that does not diminish the voice of country Victorians on the floor of the house surely it would be a great idea to show how that can be done.

**Mr Mildenhall** — On a point of order, Madam Deputy Speaker, although I do not necessarily look forward to the Leader of the National Party speaking in the debate on the Constitution (Proportional Representation) Bill, I point out that for the past 10 minutes his remarks have been central to that bill and have had little to do with the bill currently before the house. I do not look forward to those remarks being repeated during another debate, and in this debate the house should focus on the Constitution (Amendment) Bill.

**Mr RYAN** — On the point of order, Madam Deputy Speaker, it is important to note that the Constitution (Amendment) Bill makes specific reference to it and the Constitution (Proportional

Representation) Bill being part of a package of reforms of this Parliament. Although I do not intend to continue to reflect on the other piece of legislation, on the face of the bill now before this chamber it is contemplated that both bills should be discussed together.

**The DEPUTY SPEAKER** — Order! I uphold the point of order. Although this bill refers to the Constitution (Proportional Representation) Bill and it is reasonable to make passing reference to that bill, it is not reasonable to debate specific issues contained in that bill. The honourable member has made more than a passing reference to that bill, and I ask him now to return to the bill before the house.

**Mr RYAN** — The debate would move forward constructively if someone produced the maps. I now refer to the way the upper house functions. Again I will not dwell on it in this discussion, but the work undertaken by members of the Legislative Council in carefully examining through its committee structure issues such as Workcover, the legislation establishing the Regional Infrastructure Development Fund and other important matters is tremendous. It is a commentary on the great work that can be and is being done in that important chamber.

The Constitution (Amendment) Bill proposes three major parliamentary reforms. Firstly, it reduces the term of Legislative Council members; secondly, it fixes the term of the Parliament to four years; and thirdly, it removes the power of the Legislative Council to block supply. The honourable member for Berwick has said that the logical extension of the proposals is that unless the government of the day votes against itself by introducing a want-of-confidence motion Victoria could have the ludicrous position of a government being unable to function. I am interested to know how the amendments proposed by one of the three Independents is accommodated by the government, given that it is bent on the course proposed in this bill.

*Honourable members interjecting.*

**Mr RYAN** — I hear the interjection ‘Watch this space!’. If the government adopts the amendment to be proposed by the honourable member for Gippsland East it will be a commentary on its politics. If it is serious about passing legislation other than for political purposes, the government will do what has been done before. It will examine the measures, judge them on their merits and if it agrees with them adopt them as its own. If it is not going to do that in this instance and it adopts the amendment proposed by the honourable member for Gippsland East, that will tell a story. This is a political stunt. The Independents will be used as the

mechanism for getting the government off the hook. The government will not be seen as having done a complete reversal, as it has with other issues, and changing a central element of the bill. The eyes of Victorians will be on this chamber to see how the government handles the proposed amendment to the bill.

The second interesting aspect of the bill is the duration of the term of Legislative Council members. As the honourable member for Berwick has said, other jurisdictions in the Westminster system, not only in Australia but also in other parts of the world, invariably have mechanisms within their bicameral structures whereby elections for the two houses do not line up precisely.

Apart from the Western Australian Parliament, which passed an amendment altering its structure in May of this year, every other Australian jurisdiction is similar to the Victorian Parliament. Apart from the politics of the issue which annoy and frustrate the Labor Party, why should a system that has served Victorians so well for so many decades be changed? The provision is not based on merit; rather it has been introduced to satisfy the frustrations of Labor Party members.

Another issue related to the bill is the notion that it is a great idea to have checks and balances in upper houses. The fundamental structure of upper houses in all other Australian and international jurisdictions where the Westminster system applies, whether it be the Canadian Senate or the English House of Lords, without getting into the commentary about how members are appointed or elected, differ from the structure of the lower houses in a bicameral system for the same reason that they differ in Victoria — to provide the element of checks and balances. That difference is evidenced by the way members of the two houses are elected in the various jurisdictions across Australia. There is no merit in changing something that has served us so well for so long. The upper house in its current form in Victoria adequately and admirably serves its purpose as a house of review.

The third element of the bill is the notion of removing the right to block supply. The Labor government is proposing a radical change. The current proposal, as opposed to the original plan, is that the upper house will have the opportunity to review the supply bills, comment on them, and make recommendations for change. All that will come to nothing if the proposed amendment is passed, because what the Labor Party proposes is that the Assembly, which under the present system is demonstrably able to win enough seats to

maintain government, wants to keep the chequebook unto itself.

It does not want any commentary on the supply bill from the upper house, which might restrict the ability of the Assembly to spend money, as it has done historically with such gay abandon. The Assembly wants to keep the capacity to do that in this chamber and shut the upper house out from being able to do so. That is an enormous change. The Labor government wants to do away with the element of checks and balances that has functioned very well on behalf of Victorians for decades.

The proposal exposes the true agenda of the Labor Party — to completely destroy the upper house. Its ultimate aim is to remove the Legislative Council, and that is the reason behind the nonsense we have heard over the past couple of days about plebiscites.

**Ms Allan** interjected.

**Mr RYAN** — I hear the chuckles on the other side of the house. The government looks and sounds like a kid with a hand stuck in the lolly jar. The government wants to abolish the Legislative Council, and that is why the Premier — who is carrying on like a spoilt child over that and other issues on which he has not been getting his way — has been seen on the television screens over the past couple of nights talking about the proposed plebiscite.

He has been speaking not only about the basic issues underpinning the bill — decreasing the numbers and making other basic changes to the legislation — but also offering within the plebiscite the option of rubbing out the Legislative Council altogether — doing what my good friend Brian Collis sometimes has to do as chairman of the Australian Football League tribunal — that is, rub someone out. That is the ultimate agenda of the Labor Party. It was interesting to see the television footage of the Premier's press conference where, lined up behind him, were the true and the faithful.

**Ms Allan** interjected.

**Mr RYAN** — The gang of how many?

**Mr Lenders** — Fourteen.

**Mr RYAN** — The gang of 14 were all standing around him and all offering their necks to the block, demonstrating that they are prepared to have the election every four years.

**Ms Allan** — They are fully supportive.

**Mr RYAN** — Yes, they are fully supportive of the whole thing because they understand that the distinction between four years and no years at all is getting narrower. They understand full well that the Labor Party wants to abolish the upper house. That is its aim and that is why it appears in its own documentation as prospective content of the plebiscite.

In the past 48 hours the Victorian Labor Party has run advertisements at the behest of the Premier saying that there will be a plebiscite to consider not only the issues in the bill but also the abolition of the upper house. Given the inevitable logic of all that — —

**Ms Allan** — Is it a problem to go to the people and ask what they want?

**Mr RYAN** — Isn't that question a little ripper! The answer is no. The question should be: what is the proper order of events? I suggest that honourable member would say, 'We will ask the people what they think about it and then, subject to the answer we get, we will introduce legislation in the Parliament to reflect that point of view'. I would have thought that is the inevitable logic of the honourable member's interjection. It is precisely — —

**Ms Allan** interjected.

**Mr RYAN** — 'No', she says! Let me pose this question across the floor.

**The DEPUTY SPEAKER** — Order! You will not pose the question across the floor. I suggest you address your comments through the Chair.

**Mr RYAN** — If I were outside the house having a conversation with the honourable member I would say to her, 'Why bother asking the people at all if you already have the proposed legislation we are supposed to be voting on?'. Why bother trotting out nonsense about asking the people while we are debating bills that have nothing to do with views expressed by the people? Part of the answer to that question is that in the longer term the government wants to abolish the Legislative Council.

The inevitable logic of that argument takes me to the next point. Given the complete transparency of the government's basic intent, why did it not go to the people of Victoria before the last election with a policy that said to them fairly and squarely, 'We intend to abolish the Legislative Council'?

**Mr Lenders** interjected.

**Mr RYAN** — The honourable member for Dandenong North says, ‘It is not our policy’. I have just taken him through the process that demonstrates clearly that the government ultimately wants to abolish the Legislative Council. If that is the position it wants to get to, the government should have gone to the people at the last election and put the issue before them. Inevitably there would have been a strong response to that proposal, because the people of Victoria, who value their constitution highly and properly regard it as a cornerstone of the way in which they live, would have rejected it.

I invite the Labor government to come clean with the people of Victoria and stop this under-the-table stuff. Why does it not simply say to the people, as it has been saying over the past 48 hours in its television advertisement about a plebiscite to deal with the matters contained in the bill, that it wants to destroy the Legislative Council? Why does it not float that past Victorians to see how it goes? Then we will see whether the dialogue has to go on much further. Far be it from me to drift into close examination of that bill. I look forward to making a contribution on those matters in due course.

It is interesting in the extreme that the government of the day, which is struggling to do much on any front — we spoke about that early this morning — is now in the unedifying position of having these amendments trotted out by one of the three Independents — presumably the other two agreed because the third would not have introduced them otherwise — and having to abide by them if it is to get out of the hole it has dug for itself.

**Mr Mildenhall** interjected.

**Mr RYAN** — The interjection by the honourable member for Footscray is that democracy is an amazing thing. If one is elected to govern one is supposed to do exactly that.

*Honourable members interjecting.*

**Mr RYAN** — I hear the barrage and accept the sanction that we sit where we do because people were cross and voted in the way they did, in differing degrees, because they were had. The Labor Party, assisted by the Independents, has the state in its hands and should govern. That could be said across a range of programs that go to the way in which we function in our communities, but when it comes to the constitution of the state, matters that govern the way we live and look at an issue which in many senses is completely apolitical and is relied upon by all of us in this place and the community of this state as fundamental to our

way of life, surely the government of the day should be the one to propose whatever changes are to be made.

The government of the day should be the entity that brings to the chamber that which is ultimately to form the basis of change to the constitution. What we will see, if the legislation is carried through, is that instead of the government introducing what it believes should be the appropriate changes there will be a furtherance of this sheer political stunt where fundamental aspects of the legislation will be introduced by persons said to be at least outside those who constitute the government. What a commentary that would be!

Victorians would surely regard that as a complete abdication of the position of government in this state. We would see for the first time a change that is absolutely fundamental to our way of life, yet the government of the day would not be introducing it so we would be able to see it as having being introduced by government per se as opposed to being introduced with the assistance of the Independents.

I accept entirely that in various forms of legislation change by way of amendment can be made. One of the important aspects of the operation of the Legislative Council is to send bills back so that changes can be made, which is perfectly legitimate. We must now put those examples aside in this context. This is legislation that is basic to who we are and what we are. If the government abdicates its position by having this change take place without such change being constituted by the government, it would be an appalling commentary upon the government and upon the Labor Party.

I make it clear that for the reasons I have mentioned on this bill, and for some of the reasons I mentioned when I inadvertently drifted into discussing the other bill that forms part of the package the government has introduced, this legislation is opposed by the National Party, and we will vote against it. The legislation will diminish the voice of country Victorians in this place and we intend to ensure that in representing the interests of those people we will vote this legislation down.

**Mr MILDENHALL** (Footscray) — It has been sad to listen to the estranged partners debating this bill because they have circled around it and tried to debate the other bill. They have invented a policy to argue against the Constitution (Amendment) Bill. The Leader of the National Party argued against a policy that he invented of abolishing the Legislative Council, which is not part of the legislation or policy. He is more comfortable debating that myth than the bill itself, as was the opposition’s spokesperson more comfortable

debating the Constitution (Proportional Representation) Bill than this one.

The Constitution (Amendment) Bill is about democratic principle, reflecting the will of the people and how that will is manifested in the parliamentary structures and its representation in this place and the upper house.

Extraordinary claims were made by the opposition. The fundamental view of the Liberal Party has been that stability, which to it means the continuance of a Liberal Party agenda, means one can sacrifice the will of the people. It is a justifiable matter to not have the result of a general election fully represented in the other place in the interests of continuing a notion of stability.

Some idea of conservatism of a former lower house government's program being continued or not threatened is more important to the shadow Attorney-General than the will of the people as expressed in a general election. That is an interesting idea to contemplate in this place. One would have thought the reason we are here is that we manifest the will of the people as expressed in a general election. That is the reason, our obligation and our mission. For the shadow Attorney-General to argue that some notion of stability overrides that means he is sacrificing the greater principle to justify the conservatism and obstruction for which the other place has become famous.

The other argument the opposition put is that there is no mandate or justification for introducing a clearer link between the will of the people and the ability of the government to carry out its program. A general election voted on around explicit policy provides that mandate. If there were any doubt about that, a subsequent election gives people an additional opportunity to clarify that policy, to debate it and think about it again.

In Victoria, however, we had not only a subsequent election but also the Burwood by-election. That was another opportunity for the concerns, objections, qualifications about the policy and the emerging mandate to be considered again. Finally, the Benalla by-election was another opportunity. The mandate, having been created, has been reinforced on four occasions — there have been four opportunities to confirm or reject it. I am not sure how many such opportunities would satisfy opposition members. I am not sure of their criteria for declaring a mandate. I wonder how many opportunities it will take, how many times with the margins and swings growing bigger and bigger, to convince the opposition there is a

momentum, a mandate and popular acceptance of the government's program.

The opposition has criticised the government for proposing a constitutional commission and a plebiscite in the likely event of opposition obstruction of the legislation, but they are obvious and appropriate measures to take. The government would be justified in seeking another mandate. Opposition to the idea reinforces the government's argument — namely, that although the proposition has been put to the people already on four occasions it is facing inevitable foot-dragging and obstructionism from the opposition on the question of going to the community yet another time. I imagine, incidentally, that we are talking about not only another plebiscite but also another general election.

While looking at the details of the bill government members were interested to hear what substantive points might be made against the legislation and against the principle of the will of the community being manifested in the parliamentary structure. We wondered what sort of counter-proposals the opposition might come up with. We worked out that the centrepiece of the opposition's objection to the bill is the idea that a government could, in the event of its being unable to govern because of obstruction to its program in the upper house and feeling the need to call an early election, ask for a lower house vote of no confidence. The prospect of a government bringing on a vote of no confidence in the lower house has for some reason caused the opposition to whip itself into some sort of lather. It is an odd experience trying to work out where the opposition's extreme reaction to that idea has sprung from.

A vote of no confidence is a clear and obvious tactic by which a government can maintain total control. Using such a vote a government, if it believes it cannot govern, can choose to pull the pin. The legislation makes that course of action available to a government. It took the opposition a while to work that out. However, when opposition members finally did work it out — that that was the way an early election could be called even after other triggers had been removed by the bill — they descended into hysteria. They seemed to feel the measure was not only unusual but unworthy.

Words like 'ludicrous', 'extraordinary' and 'unbelievable' were used. I would have thought it was clear and logical; it is an obvious power for a government to retain. The opposition and National Party spokespersons both worked it out, so there was a level of commonality between the estranged partners. Both of them locked onto it and made a meal of it.

Another extraordinary response emerged with the assertion of the Leader of the National Party that the upper house should retain the right to block supply. He said that was a natural, justified and obvious right. He maintained there should be no constraints on that right. That is another interesting principle to consider. I would have thought there would be some recognition within both opposition parties of the primacy of the lower house and its right to form government. I expected some understanding of where government is formed and where it is driven from, and of the right of a government to prepare a budget and have it recognised in the upper house as a manifestation of the will of the people.

Given the crises throughout Australia's history caused by the blocking of supply in upper houses, it is extraordinary for anyone to argue that an upper house should have the unhindered power to block supply in defiance of its lower house. The expression of that view was received with some disappointment on this side of the house.

The idea of fixed four-year terms for lower house members did not seem to feature in the objections registered by opposition members. The government hopes that means their memory extends back to the time when they agreed to that proposal in the charter they signed with the Independents. From the silence heard on that issue the government assumes the provision is agreed to. That, at least, is a step forward.

However, opposition speakers were using the proposed election trigger processes as an objection to the idea of four-year terms for lower house members. The government needs to hear a clear commitment from opposition members — a declaration — that their memories are intact and that they will support four-year terms when the bill gets to the upper house.

The main objection the opposition has to the bill concerns the proposal to reduce the terms of upper house members to parallel those of members of the Assembly. The reason for the proposed change to the term of office of upper house members is primarily to end the stale mandate of the upper house.

It is fair to say that the powers of Victoria's upper house are strong when compared with those of other upper houses in Australia and overseas. If those powers are to be maintained the composition of the upper house ought at least to reflect the wishes of the community and be responsive to the shifts in electoral opinion and accountable for its actions. Along with other members of the government, I maintain that an eight-year term reduces responsiveness of the upper house and creates a

stale mandate; it is less reflective of the contemporary political opinion by at least 50 per cent. Because membership of the upper house is only partly renewed at each election it is less accountable for its actions than is the lower house.

Can any member in this place deny that the political mood in Victoria has changed since the 1996 election? Non-government upper house members who were elected in 1996 are now publicly committed to voting against major parts of the election platform of the Bracks government, including both the reform of the upper house and the drugs policy. Those members were elected when those issues were not being debated. They were not — —

*Honourable members interjecting.*

**Mr MILDENHALL** — Words fail me!

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Footscray, without assistance.

**Mr MILDENHALL** — I would have thought that even opposition members would sign up in support of the democratic principles that dictate that an upper house that essentially duplicates the powers of a lower house needs to reflect the will of the people. At the last election, the government received more than 50 per cent of the vote but it occupies only 32 per cent of upper house seats. That represents a gross distortion of the will of the community as expressed at the last election.

The government is looking for some defence to be presented by the opposition on that extraordinary situation. The only defence that has been offered is that that result represents stability and that, in the view of the opposition, is far more important than the will of the people. It is an extraordinary position.

Members of upper houses around Australia enjoy eight-year terms but they tend to be elected on the basis of proportional representation, which at least presents a balanced political opinion around the state. If that happened in Victoria we would have a much more balanced chamber.

The former Kennett government — the current opposition — seems to want it both ways. It wants very strong powers and a stale mandate and it wants to be able to obstruct the government in implementing its policy and to maintain an essentially unrepresentative structure in the upper house. Victorian politics is not best served by such a structure. Membership of the upper house needs to be brought into line with that of

the lower house to represent the views of the community or at least to become a more effective house of review. If members of the opposition want to maintain the current terms and want the upper house to become a genuine and effective house of review, they should not seek to replicate the lower house and allow members of the upper house to stymie and obstruct the will of the community. Members opposite cannot have it both ways — something needs to change.

The reduction in term of members of the upper house to four years would at least mean that the will of the people would have a direct influence on the proportion of representatives of each party in the upper house.

**Ms ASHER** (Brighton) — Honourable members should make no mistake about the fact that the Constitution (Amendment) Bill signifies the very clear agenda of the Australian Labor Party. The government got rid of the governor and now it wants to get rid of the upper house. If it cannot get rid of the upper house it is determined to neuter it through this bill and its companion bill. The bill is an unashamed grab for power by the ALP. Never let it be forgotten that the ALP attacked the upper house in 1987, 1988, 1990 and 1999. Now it is attacking it in 2000, and it will continue to do so because it wants untrammelled power. The government is a wolf in sheep's clothing: it is after untrammelled power. Members of the Victorian public should make no mistake about that.

The Constitution (Amendment) Bill purports to do three things within the overall agenda. First, it wants to align Legislative Council terms with Legislative Assembly — in other words, make both four-year fixed terms. Secondly, it wants to fix the trigger for an election at four years, unless there is a vote of no confidence in the Legislative Assembly. Thirdly, and most importantly, although the government talks about having a mandate it has slipped into the bill something that was not mentioned during the election campaign: it wants to remove the power of the Legislative Council to scrutinise the ALP and to block supply.

The bill is fundamentally flawed. It has not been thought through properly. It is a hasty, shabby grab for power. The first fundamental flaw in the bill is the proposition that Legislative Council terms should equate to Legislative Assembly terms. In practical terms, a Legislative Council term in Victoria is not always eight years — it is somewhere between six and eight years. I am not sure, but I do not think that in recent times upper house members have served for eight years.

The problem about what the ALP has put before the Parliament in the Constitution (Amendment) Bill is that it is not representative of what happens in other states. No matter what members opposite might choose to say, the current structure of the Victorian Parliament, in which the Legislative Council term is double that of the Legislative Assembly, is broadly representative of what occurs in Australian parliaments. In the commonwealth government, state senators are elected for six years, which is double the term of members of the federal lower house. In New South Wales — the state with which we most often compare ourselves — upper house members are elected for two terms.

South Australia basically reflects the Victorian situation; members of its House of Assembly are elected for a minimum of three years and a maximum of four and members of its Legislative Council serve for a term of between six and eight years, which is exactly the same as in Victoria. Likewise, in Tasmania the term of office of members of the Legislative Council is six years, on a similar rotation to those in other states.

The Western Australian Parliament was mentioned by members of the ALP. Its system, which was changed by the Labor Party, is interesting. In practice, members of the Western Australian Legislative Council serve different terms from members of the Legislative Assembly. Members of the Legislative Council have fixed terms and the Premier has the discretion to call an election after up to four years, and that is often the case. I invite honourable members to research the matter more fully.

In most Australian parliaments the overlap of members, where the terms of office in upper houses are usually double those of lower houses, is because of the fundamental difference in the nature of the two houses. The Legislative Assembly is the house of government and the Legislative Council is the house of review. I do not know what possessed the honourable member for Footscray to comment that the Liberal Party had not come to grips with the issue. I invite honourable members to look at parliaments interstate where Legislative Councillors generally serve terms that are double those of lower house members.

The Labor Party has not thought through the issue of deadlocks which is the second reason the legislation is fundamentally flawed. The constitution is not a short-term document but a document for the long term, and from time to time there are deadlocks between upper and lower houses. It is important constitutionally for there to be a trigger to resolve deadlocks.

Currently Victoria has four grounds for an election. Firstly, the expiration of three years, and secondly, if supply has been rejected by the upper house. A third ground is the triggering by a bill of special importance of an election under section 66 of the Victorian Constitution. That is an important and useful mechanism for resolving deadlocks between the two houses that can occur in unusual circumstances.

If the Legislative Council rejects a bill, the Legislative Assembly can resolve that the bill is of special importance. The bill can then be sent back to the Legislative Council and if it is again rejected within the space of four to eight months, the Governor can dissolve the Legislative Assembly. Fourthly, an election can be triggered by a vote of no confidence on the floor of the Assembly.

The provisions in the bill remove three of those grounds. If there is a need to resolve a problem within the term of Parliament, only a vote of no confidence can remove a government from office. The Bracks government has not examined the issue of deadlocks between the two houses. One can imagine the government voting no confidence in itself! The bill before the house is particularly short sighted.

The key question Victorians should be asking is, 'Why does the Labor government want to tamper with the Victorian constitution and abolish the Legislative Council's right to block supply?'

The bill provides for the annual appropriation bill to be tabled in the Legislative Assembly along with a certificate signed by the Auditor-General confirming that it is an annual appropriation bill. The Legislative Council will be able to debate the annual appropriation for one month only. It can suggest amendments but for them to be incorporated they must be agreed to by the Legislative Assembly. The bill will be deemed to be passed after one month even if it is rejected by the council.

The government's proposal is out of kilter with other Australian states bar New South Wales. It is instructive to note how other states handle the issue of supply. As acknowledged in the second-reading speech, the bill follows the New South Wales model. The upper house can debate the bill for one month and it is then deemed to be passed irrespective of the upper house's view on supply. Currently the Senate has the capacity to reject supply as does the Victorian upper house. In South Australia, Western Australia and Tasmania the Legislative Council can also reject supply. I repeat that this proposal is out of kilter with the way other Australian parliaments operate.

The so-called Constitution (Reform) Bill, which was the first bill proposed on this issue, disclosed what the Australian Labor Party wanted but the Independents would not allow. It not only sought to remove the capacity of the upper house to block supply, it did not want the upper house to have any say at all. It was not even to be given the right to debate the appropriation bill for one month, as is the case with the current bill.

The Constitution (Reform) Bill proposed that an appropriation bill would pass straight from the Legislative Assembly to royal assent. It would have been possible to guillotine the state budget. This Labor government would have had the political capacity to guillotine a state budget.

The proposal was a disgrace and the Independents clearly indicated to the government that they were not prepared to allow a budget to be guillotined. Today's bill is the compromise proposal. It still refers to the blocking of supply but it allows the Legislative Council the opportunity to debate the bill for one month — which is an entirely unsatisfactory position.

The Australian Labor Party wants a blank cheque. It knows that financial management is its Achilles heel and it wants to remove upper house scrutiny of its budget. It wants untrammelled power to bring in a budget with the Legislative Council having no say whatsoever in budget deliberations.

Why does the government want to avoid financial scrutiny? I suggest the answer is obvious. The honourable member for Footscray indicated that extraordinary crises had surrounded the blocking of supply in Victorian history — or perhaps he was talking about Australian history. The blocking of supply is not an ever-present threat; it is an unusual occurrence. Supply has not been refused by the Victorian Legislative Council since 1952.

Since Victoria's formation there have been six episodes when supply has been blocked. I am indebted to the Clerk of the upper house for providing me with the historical detail.

In 1865 supply was first blocked to the McCulloch government. McCulloch could be described as a moderate protectionist. At that stage there was not an issue of parties but there was a significant clash between the rights and powers of the two houses.

In 1867 supply was again blocked to the McCulloch ministry. Interestingly, on that occasion supply was blocked because a bill tacked on to the appropriation gave a grant of £20 000 to Lady Darling, the wife of the past Governor. It was not specified how the grant was

to be spent, so the upper house blocked the bill. After the Assembly was dissolved the McCulloch ministry was able to continue in office.

In 1877 in the third episode, supply was blocked to the Berry ministry. That occasion related to entitlements for members of Parliament.

In 1931 supply was blocked to the Hogan ministry. The situation was resolved when a bill providing supply for four months was introduced and subsequently passed by the Legislative Council. The examples so far have not involved issues of great import or party conflict.

The blocking of supply in 1947 has already been referred to by way of interjection. This is the episode that led to the justified downfall of John Cain Senior, when the Australian Labor Party whipped itself into a frenzy.

In 1952, the ALP was not involved. During the term of the first Country Party ministry, led by McDonald, supply was blocked by the Liberals. Again there was an interchange — one party in power and then out of power — between those parties and it had nothing whatsoever to do with the ALP. It was the last occasion on which supply was blocked.

The point has already been made that Bolte managed to govern from 1955 to 1970 without an upper house majority, so it is certainly possible to do so. The ALP wants to remove the reserve power exercised in Victorian history in only six episodes, as I have called them.

*Honourable members interjecting.*

**Ms ASHER** — Honourable members want to know why? I want to know why, and the Victorian public wants to know why, the Labor government wishes to avoid financial scrutiny. The current system delivers. There is an array of checks and balances between the Legislative Assembly and the Legislative Council. In the case of the Cain–Kirner government, 97 per cent of bills were passed. After all, the system was set up by John Cain.

I am not opposed to a constitutional commission, community discussion about terms of office, or a good upper house committee system. I am certainly in favour of the committee stage of debate of legislation, which the upper house does so well. However, the bill raises significant questions. It shows Labor's agenda. Why is the government doing this? Why does the government wish to neuter the upper house? Why has the government sacked the Governor? Why does this

government want to avoid financial scrutiny? The answer to all those questions is that the government wants to get rid of the watchdog. It wants to avoid scrutiny by the upper house, particularly financial scrutiny. It wants to pass flawed legislation because it cannot and will not do its homework on complex issues, such as what would happen in a deadlock.

Labor wants a blank cheque. It wants to grab and have untrammelled power without the scrutiny of the upper house. The bill is a disgrace and the opposition opposes it.

**Mr LENDERS** (Dandenong North) — I am delighted to participate in the debate primarily because, despite some of the nonsense from the other side, this issue has been on the Labor Party's agenda since 1991, when a similar bill was rejected in the Legislative Council. It was Australian Labor Party (ALP) policy at the 1992 state election, again at the 1996 election and again in 1999. It is certainly not a minor issue that has cropped up out of nowhere.

To set the record straight, because the Leader of the National Party in particular, and the honourable member for Berwick, did not seem to understand, this was not a new invention to find agreement with the Independents after the election. As a former president of the Liberal Party, the honourable member for Hawthorn may have noticed that two weeks out from the general election the leader of the ALP, Mr Bracks, announced a Victorian democracy alliance, whereby the ALP, the Democrats, the Greens and a number of Independents launched a campaign on the issue. At the time the Liberal Party held the ALP and everyone else in Victoria who was not in its own ranks in absolute contempt. It is not Parliament's problem but a problem of the Liberal and National parties if their members did not notice a policy and legislation, admittedly in a slightly different form, over a period in which four general elections were held.

In passing the bill Parliament is asked to do three things. Firstly, to amend the constitution to introduce four-year terms in the upper house. That was campaigned on by the Labor Party and committed to in a written charter between Labor and the Independents.

Secondly, Parliament is asked to remove the ability of members of the upper house to block supply. I am passionate in support of that. The ALP has advocated it since 1975. I completely understand that the Liberal Party opposes it, and so should vote against it. The government has unashamedly put it on the agenda and it is before the Parliament to be voted on.

Thirdly, the bill raises a matter that has not yet been raised in this debate. I thought honourable members opposite, having been traumatised by the experiences of 18 September last year, would have mentioned it. It deals with the death of a candidate during an election. Regardless of what members opposite think of the four-year term and supply issues, they should do Victoria a favour and allow the provision to pass. It deals with an anomaly that caused us all grief on 18 September last year.

I will go through the arguments that have been used to date. I turn to the issue of process. Initially there were two bills. One bill was introduced last November and put on the table at the behest of the honourable member for Berwick, who in an eloquent speech to Parliament said that two weeks was not enough time and four weeks were needed. I do not need to remind honourable members opposite that if the period had been two weeks the government would not have had the statutory majority necessary to get through, but the Burwood by-election intervened. However, at the behest of the Liberal Party the bill was held over to provide the opportunity for more community debate.

**An honourable member** interjected.

**Mr LENDERS** — There was community debate. In the debate with the parties opposite, the Independents and the general community there were several provisions in the bill —

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Monbulk is out of his place and is disorderly.

**Mr LENDERS** — A government that is committed to consulting is mocked every time it consults, but the government put the bill out in the political market place and was told by the Independents, the Liberal Party, the National Party and a lot of commentators that the supply provisions in the previous bill were too draconian and that the upper house should look at them. As a result, the government amended them. Concern was expressed about what would happen if there were only two rural provinces. As a result, a number of provisions in the bill were amended.

Primarily, the government split the bill because of the spurious argument from the opposition that it was too complicated. The government made it simple. The bill before the house concerns supply and four-year terms. The next bill — I will not canvass it for fear of the honourable member for Monbulk raising standing order 93 — will deal with the other issues. It is not too complicated. It is in separate, neat components, so that

if people have trouble and cannot understand it they can vote on little bits.

I have heard the honourable member for Berwick, the Deputy Leader of the Opposition and the Leader of the National Party express grave concerns about the sloppy drafting. They said, ‘What if this happens, or that happens?’. Surely they can move amendments, as has the honourable member for Gippsland East.

If the opposition has concerns about the legislation it should move an amendment. The government is willing to listen because it wants a reform package that deals with a policy objective that it has pushed in this place for 9 years — and it has pushed the supply issue for 25 years. The government is simply seeking to address the issues, and if opposition members were worth their salt and the salaries they are earning in this place, instead of engaging in a scare campaign they would propose an amendment so that it could be debated in the house.

I know why they are engaging in a scare campaign; they have not read or discussed clause 13 of the bill. If opposition members have a genuine objection on the issue of supply, they should enter into a political debate. If we can persuade them to change their views on the issue I will be delighted. I do not expect that to happen, but I expect them to at least engage in a debate. I give full credit to the Deputy Leader of the Opposition for being the first opposition member to enter into the debate on the bill.

The main issue is four-year terms, and I hope to hold the Liberal and National parties accountable on this issue. Firstly, I wish to correct one of the many erroneous statements made by the Deputy Leader of the Opposition, who was also corrected by the honourable member for Springvale on another statement.

I wish to correct a statement she made in her discussion about double terms in the Western Australian Parliament. There are eight parliaments besides Victoria in this federation. The upper houses of four of those Parliaments do not have double terms. The Australian Capital Territory, Queensland and Northern Territory parliaments do not have double terms, and the Labor and National parties in Western Australia passed an amendment to bring in single terms for its upper house. I am disappointed that National Party members, except you, Mr Acting Speaker, are absent from the chamber yet again.

**Mr Baillieu** interjected.

**Mr LENDERS** — I am glad the honourable member for Hawthorn has pulled me up before I make any churlish comments about National Party cars!

The upper house in Western Australia is now elected for a single term. The Western Australian Parliament is the most recent one to have its constitution reviewed by the Labor and National parties to introduce single terms for the upper house. I will leave further comments on the Western Australian upper house and the method of its election during the debate on the next constitution bill.

The main point I wish to make is that only half of the other jurisdictions of Australia have staggered terms. If the government succeeds in reforming the term of the upper house it will mean that a majority of states will not have staggered terms of their upper houses, which may provide a persuasive argument for other states to follow.

Another point I alluded to earlier is that the government is providing full transparency in supporting four-year terms. The Labor Party supported four-year terms through legislation introduced in 1991, in its election platforms of 1992, 1996 and 1999, and in the charter it signed with the Independents in 1999. The government is providing full transparency on the issue of four-year terms because it wants to protect against the doctrine of stale mandate. I find it ironic that the Liberal Party argues for retaining a process that allows for stale mandates — I will not comment on the National Party because I have not read its rules — yet during the Kennett years it used stale mandates as an argument to reform local government elections.

The party that said it wanted accountability and executive government in municipalities that was capable of taking decisive action to govern rather than being cramped by troglodytes who were elected in two or three different batches previously is now saying that the process that is not good enough for local government is good enough for the Parliament of Victoria. I ask all opposition members, many of whom voted for the Kennett municipal reforms to abolish staggered terms, to advise the house of the difference between municipal councils and the Legislative Council. If they looked into their heart of hearts they would know there is no difference, except that they have a vested interest and an incapacity to agree to the government getting its agenda up.

I imagine the temporary Leader of the Liberal Party fears what the 24 members of the Legislative Council will do if he starts talking about shortening their terms. That is the real agenda — let us not hide from that fact!

Members opposite say the government has no mandate to reform the upper house. They were all excited when they said they had never heard the government talk about the issue. They have not heard about it, because they were not listening in 1991, 1992, 1996 or 1999. Their inability to listen was reflected at the last election. The government is grateful they were not listening, because as a result we have the honourable member for Bendigo East and 13 other new members sitting in the chamber. It is a good lesson for them.

The government's mandate on providing for four-year terms is unequivocal. On 18 September, after preferences were cast in 88 constituencies — and the honourable member for Hawthorn is already getting excited — the Labor Party's two-party preferred vote was 50.2 per cent. That figure does not include the votes for the Independents who also support four-year terms and does not represent the changed circumstances in Frankston East, Burwood and Benalla. The reality is that the government has an unequivocal mandate for four-year terms. It has been in its election platform four times; there are no ifs or buts on the issue.

The Leader of the National Party was either a bit confused or was working out who should get the three parliamentary party cars, because he seemed to miss the point completely on how the reform process would sit with the Independents. The government introduced some bills, withdrew them then reintroduced them. The honourable member for Gippsland East has moved a series of amendments to the bills, which is disappointing because the government wishes he would automatically endorse everything the government wants to do. However, he is an Independent. The Independents do not agree with the government's program, so they are moving amendments. Surprise!

From the government's point of view, it would be nice if those things did not happen, but if the Liberal and National parties wish to do so, they can do what the honourable member for Gippsland East has done and move an amendment. That is what Parliament is about. Parliament is Latin for a place of meeting and speaking. There is absolute shock and horror from the other side as a result of the Independents moving amendments as if it somehow points to bad government.

The Independents' amendments will be considered by the government and voted on in this Parliament. The government, the opposition, the National Party and the Independents will vote on the amendments, and if they are passed through this house they will proceed to the Legislative Council. The fact that members opposite are horrified by a member moving an amendment is another reason to get rid of stale mandates.

We heard arguments from members opposite that a stale mandate would provide stability. They did not apply those arguments when they threw out stale mandates from the local government system. If we take the argument through to its logical conclusion, we must ask what this house of review is about. Over the past eight long years, seven of which were under the Kennett government, more than 800 bills have been passed, yet the first piece of legislation rejected by the opposition involves shortening the terms of the members of the Legislative Council. When the former coalition partners sat in the Legislative Council for eight long years they did not care about schools being gutted, police being pulled out of the country or the savage butchery of local government. The first time in eight years they vote down a piece of legislation is when it concerns cutting short the term of Legislative Council members.

I look forward to being on the hustings in Dandenong North and facing the candidates for the Liberal and National parties on that particular issue, as do my colleagues on this side of the house. The first rejection of legislation in eight years will involve protecting the terms of members of Parliament! I guess I should be surprised.

The opposition is able to move its own amendments. Every single issue raised by honourable members in the house today could have been dealt with by amendments, but obviously that is not what the opposition's agenda is about. Its agenda is about defending the indefensible through mockery and spurious claims that have nothing to do with the merits of the case.

I have had a fascinating day with the National Party today. My heritage has got the better of me. I was fascinated by the argument put by the Leader of the National Party that the government was in some way responsible for producing electoral maps at a particular juncture. I was intrigued by that claim because I would have thought the separation of powers requires governments to introduce legislation setting out the parameters for an independent commission to do that. It is not surprising that that claim has come from a party that shares a political heritage with Sir Joh Bjelke-Petersen — it must seem natural to them for an executive government to just draw up maps and pass them on.

I was intrigued that during the discussions about ending the ability of the upper house to block supply, the filling of the vacancy in the Frankston East electorate and establishing fixed four-year terms the Leader of the National Party understood that the reforms would

somehow diminish country representation. Well, I am certainly confused about how he can argue that.

My final major point concerns the opposition's case for stale mandates. Again, I do not understand the attitude taken by the National Party because I do not understand enough about the National Party, but I am intrigued by the honourable member for Hawthorn and others who are again arguing for stale mandates.

I obtained some information from the Internet about the rules of the Liberal Party. It showed, among other things, that there are no staggered terms. Not only are all positions elected by proportional representation, but they are elected for fixed terms. I was intrigued to find that there is no internal provision in the Liberal Party to have checks and balances on people by staggering their appointments in case some new wave of voters comes in.

However, I need to get to the very nub of why we are having this debate. This debate is not new. I have enormous regard for members of the Legislative Council. The honourable member for Brighton and the honourable member for Melton, both of whom were formerly members of the Legislative Council, are certainly hardworking individuals. I cast no reflection on the ability of members of the Legislative Council and their ability to work — far from it. There are a lot of worthy people there. But I do have a problem with the concept of a stale mandate and the inability of members opposite to even contemplate a four-year term.

Members of the government want to see a better form of government in this state. Since we have been elected we have dealt with an enormous number of issues, including restoring the powers of the Auditor-General and improving the sitting hours of this place. I could go through a long list. Underpinning all of them is the commitment to make government more accountable and to ensure Victorians get good value from their Parliament and good government at all levels of government. Part of that overall package is the reform of the Legislative Council and its electoral system.

As I said earlier, the reason the measures have been split is to make it easier and enable the opposition to deal with any problems its members have with different parts of the original package. It is a genuine move to try to deal with that situation. The first bill deals with four-year terms, Frankston East and supply. Each of those issues is quantifiable. If members opposite have problems with any of those issues they can, in another place, move to omit the relevant provisions or seek their omission in this place. If they put their heads in the

sand while defending the indefensible and reject the lot, they are accountable.

What is known as the Frankston East issue is one that we cannot let pass while members opposite engage in a charade and try either to suggest that they do not understand what the legislation means or to hide from agendas — and as I said, the temporary Leader of the Opposition is fearful of the agenda of his 24 upper house colleagues, who do not want their terms shortened.

Leaving all those aspects aside, we cannot just reject this whole piece of legislation and hope the Frankston East problem goes away. It is to be hoped the Frankston East problem will not arise again, but we have seen what happens with uncertain legislation. It is our responsibility as a legislature to fix that.

I can certainly comment on Frankston East. I believe the Electoral Commissioner should have continued counting the votes and then fought it out in the courts, but for whatever reasons he did not. The government does not want a ballot to be held up again. Not only does a second election incur expense to the state, but as that case highlighted, the uncertainty is absolute. At the very end of that wonderful election night every commentator was asking, 'What about Frankston East?'. That issue needs to be addressed.

Members opposite have a responsibility not just to address problems they may have with any other aspects of this bill, but at the absolute minimum to let this portion of the proposed legislation go through because it is long overdue and is needed.

The Westminster system has come a long way. Upper houses have changed since the day Charles I messed with the lower house and lost his head. Lord Wakeham has just done a report on the British House of Lords. The world is moving on, and the relationship between the two houses of Parliament is moving on. It is an ongoing and evolving part of the Westminster system that we have in Victoria. It is not some new, radical device to obtain Independent votes.

This is something the Labor Party has campaigned on consistently since 1991. I urge honourable members to consider the bill clause by clause and to support any of the clauses they agree with as having a lot of commonsense, because it is good legislation.

**Mr SMITH** (Glen Waverley) — When I first came into this house in 1985 the Labor Party had majorities in both houses under the system that still exists today — only just, however. It had a majority in the

upper house only because a Labor candidate for Nunawading Province at the time, Bob Ives, had tied with Rosemary Varty, the Liberal candidate, and the electoral officer tossed a coin and Bob Ives won.

**Mr Robinson** — He pulled the name out of a hat!

**Mr SMITH** — Well, you were probably part of the event with the honourable member for Thomastown, which I will come to in a moment. Were you there? I would love to know whether you were part of it.

As a result of this, as we are wisely and probably informatively reminded by the honourable member for Mitcham, Bob Ives's name was drawn out of a hat and he won. The Liberal Party took the result to the Court of Disputed Returns. A re-election was called, and in August of that year Rosemary Varty was declared the member for Nunawading Province.

The bottom line is that at the time an incredible controversy was raging in Nunawading about how the result was achieved. As all honourable members would be aware — and those who are not would be reminded daily by the honourable member for Mordialloc, who always reminds the honourable member for Thomastown of exactly what happened at the time — the police were extraordinarily concerned about the behaviour of the honourable member for Thomastown. Having had the opportunity to go through the police reports, which the former Premier allowed me to do when the coalition came to office in 1992, I am able to confirm that.

The Liberal Party and the newspapers expressed their concerns. As a result, Victorians had the opportunity of knowing that there had been malpractice within the Labor Party that caused the Court of Disputed Returns to order a re-election. As honourable members would be aware, the issue involved the printing of how-to-vote cards.

In 1983 John Cain introduced legislation to increase the number of members of the Legislative Assembly from 81 to 88. That was implemented in the 1985 election and is still the system we are operating under today. John Cain would have won the election in both houses had it not been for the Court of Disputed Returns. So the system was working even-steven with the system we have at the moment. As a result of the Nunawading Province situation the people of Victoria said, 'Hey, we might vote one way in the lower house, but we'll probably vote differently in the upper house' — and they have.

As I recall the result of the 1988 election, the Labor Party had 46 seats and the coalition had 42 seats in this house, but look at what happened in the upper house: the vote of the coalition parties went up incredibly because of the stigma of what happened in Nunawading, which has stuck with the Labor Party ever since. Under our present system the Labor Party technically won in 1985. Had it not cheated — —

*Government members interjecting.*

**Mr SMITH** — I do not know whether the honourable member for Dandenong North was involved down there and working for the honourable member for Thomastown at the time or whether the honourable member for Bendigo East was working there too — —

**Ms Allan** — I was in grade 6, Ross!

**Mr SMITH** — There you are! Were you six? They train them early. There's a new one for us. We know the Labor Party has a lot of mottos. One of them is 'Vote early, vote often'. What is the honourable member for Bendigo East saying? 'Bring them in at the age of six and brainwash them'. Thank you for that. We have added another one to the lexicon.

I obtained some figures from the parliamentary library that show that the system has been working fairly since 1965 when the number of seats in the Legislative Assembly increased from 66 to 73 and the number of members in the Legislative Council increased to 36, representing 18 provinces.

We saw another change in 1974 when the number of members in the Legislative Assembly was increased from 73 to 81 and the number in the Legislative Council increased to 44 in 22 provinces. The point at issue is that the system we have had has worked fairly for both parties.

The Labor Party had a win in 1985. John Cain changed the rules in 1983, and had the Labor Party not cheated in the Nunawading by-election in 1985 it could well have been successful because John Cain still won at the subsequent election, even with a reduced majority, which was the first time the Labor Party had ever won three elections in a row.

John Cain was sitting at the table, just as the Minister for Agriculture is now doing, and he crowed and crowed about it until everyone got sick of it. I will remember the day we managed to get him to hand over his notes, in a fashion similar to the way I almost got the Premier to do so yesterday. Fortunately the former

Premier had a typed note. His note had 'joke' written on it. Was he ever made to look silly about that!

The Labor Party has won under the current system. But as a result of its cheating in the 1985 election the stigma has stuck and people quite obviously vote differently in the upper house from the way they vote in the lower house. They are exercising their democratic right in the expectation that they will get good government.

At the moment the people of Victoria are being treated like fools by the ALP. The people think the changes to the constitution are nothing more than the sorts of rule changes they make down at Labor Party headquarters in Carlton, but that is not the case. This is a very big, important step in how the people are governed given the framework of democracy in the Victorian Parliament.

It is interesting to note that during the Cain and Kirner years 97 per cent of the bills presented to the upper house were passed. Sir Henry Bolte governed without an upper house majority from 1955 to 1970. Over 47 years 28 governments in this state have governed without a majority in the upper house. In other words, they have had to submit their legislation to proper scrutiny. But today we are seeing that this government wants to take away that brake.

**Ms Davies** interjected.

**Mr SMITH** — We can imagine what she'd be up to, anyway!

What we are seeing today is another attempt to get away from the democratic process. It is ironic that today's *Australian* ran an article on page 6 about this issue. The lower article is headed 'Bracks threatens upper house' and the top article is headed 'ALP faces vote fraud inquiry', which deals with Queensland. They both go together. I will read part of the latter article:

Allegations of Labor Party vote rigging are to be investigated by the Queensland electoral commission after a backflip by the Beattie government yesterday.

The allegations, made in a court affidavit by jailed Townsville ALP figure Karen Ehrmann, include Labor members using forged documents when voting at the Mundingburra by-election, and a state MP maintaining the enrolment of a dead friend.

During Ehrmann's district court trial for electoral forgery her legal counsel claimed corruption within the Labor Party was endemic.

**Ms Allan** — On a point of order, Mr Acting Speaker, I raise the issue of relevance. I fail to see how issues involving the Queensland Labor Party and

electoral commission have anything at all to do with the bill before this house.

**The ACTING SPEAKER (Mr Kilgour)** — Order! This is a wide-ranging debate. The honourable member may recall that the last speaker talked about Joh Bjelke-Petersen, so I think the remarks are relevant at the moment.

**Mr SMITH** — I was using it as a passing reference. I know how sensitive the Labor Party is about allegations of corruption. They are there again today. As the newspaper article said, allegations of corruption in the ALP are endemic, so it goes without saying.

If they are sincere and if they feel so strongly about the bill, I challenge the ALP members of the upper house who are only halfway through their six-year terms — although I am sure by the time the election comes the bill will have been defeated and long gone — to again put themselves up for preselection. I further challenge them to go to the election as candidates, because it will not cost any more to put up two candidates in those provinces than it would to put up one.

It is empty rhetoric from members of the Labor Party. They are using spoiling tactics to try to engender mischief. The two biggest critics of the upper house system that I can find anywhere in the *Hansard* volumes I have checked out are Paul Keating and Gareth Evans. Paul Keating's attitude towards upper house members is that they are 'unrepresentative swill'.

**An Honourable Member** — Hear, hear!

**Mr SMITH** — You agree with Keating? I want it clearly on the record that the members for Melton, Bendigo East and Dandenong North all agree that the upper house consists of unrepresentative swill. They have all now gone red in the face.

**Mr Lenders** — On a point of order, Mr Acting Speaker, standing order 93 prohibits members alluding to debate in the same session impugning honourable members of this or another place. I draw your attention to the remarks of the honourable member for Glen Waverley in that regard. On a personal note, in my speech I commended upper house members for their virtues and did not refer to them as unrepresentative swill!

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

**Mr SMITH** — We are certainly bringing them all out of their little burrows now. The Labor Party cannot get its act together anywhere in Australia, as

demonstrated by Paul Keating referring to upper house members as unrepresentative swill and Gareth Evans saying an upper house is a spoiling chamber.

Interestingly enough, the Labor Party's real bottom line is that it wants to see the upper house abolished. It is saying here today that it does not, but to my knowledge that has been on the ALP books for 30 years, and I challenge honourable members now present to say at what state or federal conference it was formally abolished. It is part of ALP policy.

*Honourable members interjecting.*

**Mr SMITH** — I don't care because you will not get it through anyway, so it doesn't matter. We are finding out so many things about you anyway. The point is that they do not know themselves where they are going, and the aim of the bill is to get unfettered control of the upper house.

The government has the hide to come into the house and say it wishes to deny supply — one of the basic tenets of any Westminster system. Thank goodness for the Independent candidates. They wish to ensure that this part of the bill is debated. Thank goodness that on this one issue they have shown some sense. I bet the Labor Party does not get away with this one. The interesting point is that it knows the legislation will not be passed in its present form. As all honourable members know, prior to the 1992 election, when the Labor Party had brought Victoria to its knees financially, when the budget blow-out — —

*Honourable members interjecting.*

**Mr SMITH** — They love it, don't they! There was a budget blow-out of \$32 billion and the people of Victoria realised what was happening. When the thought of denying supply in the upper house was mooted there was incredible newspaper coverage and incredible community outrage at what was being done. When the former Labor government sold off the former State Bank and went through all the other processes — —

*Honourable members interjecting.*

**Mr SMITH** — Members opposite love to be reminded of it! To not have this provision is one of the things they hate. What about former Prime Minister Gough Whitlam when supply was going to be denied to him? It is the same sort of thing.

**An honourable member** interjected.

**Mr SMITH** — Take a point of order, if you wish. The Bracks Labor government is about initially trying to gain unfettered power and then eventually getting rid of the upper house. Undeniably that is part of its policy. I challenge any honourable member opposite to say that that policy has been taken off the statute books.

**An honourable member** interjected.

**Mr SMITH** — That is a good one! I challenge government members. I do not say it is a fact; I am asking them to deny it in the house. The Bracks Labor government is a government of opportunists. One of the smartest members on the Labor side during my time as a member was David White, a former minister and member of the upper house. He drew up charts indicating whether people were conservatives, or whatever, but the majority of people on the list were opportunists. It is interesting that the bill is typical of the government's opportunist legislation.

For the reasons outlined by the honourable member for Berwick the opposition has indicated in no uncertain manner that the legislation is unacceptable. The Leader of the National Party equally demonstrated that point. It is interesting that a government member spoke about the Wakeham and Jenkins reports, both of which were recently introduced in the British parliamentary system. I will give some advice to the Labor Party about the way it was done in Britain.

*Honourable members interjecting.*

**Mr SMITH** — They cannot make up their minds. They do not know what they are going to do.

The make-up of the British commissions is interesting. They are not comprised completely of judges and eminent people who know nothing about politics. Lord Wakeham, himself a politician in the lower house, the House of Commons, and Roy Jenkins, a former Labor person eminently thought of because of his skills, are running the commissions. I will bet London to a brick that if the Victorian Labor Party is forced to have a commission, which it keeps talking about, it will be going for judges and people who know nothing about politics.

The bill is not popular with Victorians because over the past four elections they have come to realise they cannot trust the Labor Party. The numbers the party had in the upper house under former Premier John Cain have diminished from around 25 to 14 because Victorians vote differently for the upper house from the way they vote for the lower house.

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

**Ms ALLAN** (Bendigo East) — I am pleased to contribute to the debate. It is an important debate that has nothing to do with diminishing country representation in the upper house and nothing to do with political opportunism on the part of the Labor government; and I do not want in my contribution to denigrate my upper house colleagues. As the honourable member for Dandenong North said, the debate is about enhancing the accountability of the upper house by introducing four-year terms and dealing with the important clauses on supply and the death of a candidate on election day.

However, the advice given and challenges made to Labor Party members by the honourable member for Glen Waverley, and his implication that somehow I was involved in the Nunawading by-election in 1985, when I was in grade 6, are a bit hard to follow. He spoke at length about the voting difference in the upper house. Honourable members on this side have no problems with Australians voting differently when they elect lower house members from the way they vote when they elect upper house members, but the Victorian upper house is not reflective of those different voting patterns. That issue will be dealt with in the Constitution (Proportional Representation) Bill, and perhaps the honourable member for Glen Waverley can speak about that when the house is dealing with that bill.

The honourable member for Glen Waverley has an interesting view on fairness. He thinks it is fair that over history Labor governments have had control of the upper house for one week in 154 years. If that is his view of fairness I find it bizarre, and it is probably why he and his colleagues are opposing the bill — they are not interested in fairness.

I wish to correct the assertion of the honourable member for Glen Waverley that abolition of the upper house is still on the books as Labor Party policy. It is not. He seems to have a misplaced obsession with ALP rules and regulations, so he would do well to check those facts.

The contribution of the Leader of the National Party was also interesting. He talked about evolutionary logic that would lead to change in the upper house — that is, that the bill should not be supported because change in the upper house will happen over time, that although it will not happen overnight, it will happen. Honourable members on this side probably think that what will not happen overnight but will happen is that the National

Party will evolve out of existence. That is a different sort of evolutionary logic. The only reason the National Party is opposing the bill is to protect its six current members in the upper house — not to make the upper house more accountable, but to protect the privileged position of those members.

Country Victorians are seeking reform of the upper house but have been badly let down by their Liberal Party and National Party representatives. The Leader of the National Party spoke about maps, and wanting the government to produce maps. That is a dreadful suggestion for an honourable member to make — that the government would in some way try to influence the Victorian Electoral Commission in the proper conduct of elections and distributions. If that is the view of the National Party, I question what it is about.

The Leader of the National Party also spoke about the good work of the upper house on the Regional Infrastructure Development Fund Bill. I remind him that initially the upper house blocked the bill. Introduced by the government in its first 100 days, it was one of the most important bills for the country, and it continues to be an important source of funding for infrastructure development in country Victoria. What did the National Party and the Liberal Party do in partnership? They decided initially to block the bill and send it back to the lower house.

I do not deny the importance of the upper house as a legitimate house of review. Unfortunately for country Victoria, during the seven long dark years in office of the former Kennett government, although that government occasionally sold off power infrastructure and there was a potential for the lights to be turned out, not once did the upper house vote to block or amend a bill.

The honourable member for Brighton said the current upper house delivers. She was very emphatic about that point — the upper house delivers! Yes, it delivers to the conservatives. However, it does not deliver the checks and balances she proclaims it does. I would almost go so far as to call the opposition Tories, considering the narrow-minded, out-of-date and out-of-touch view that the Liberal and National parties in partnership have taken on the issue. It is a protect-one's-own-position, conservative view.

The bill must be looked at in partnership with the other bill to be debated on upper house reform because this is a package of reforms. As the honourable member for Dandenong North said, it was spelt out quite clearly during the last election campaign. It was a clear and important part of Labor's policy. We on this side of the

chamber believe very strongly in accountability and the checks and balances of a democratic Parliament.

The idea behind the reforms is to make the upper house more democratic. Do I hear that coming from the opposition? Opposition members are not interested in making the upper house more democratic. Their views are more in line with 19th century thinking, which was when the upper house was first created, rather than the 21st century thinking with which the government wants to go forward.

In country Victoria people expected the National Party to protect its privileged position in the upper house where it has six members. That number is out of proportion to the percentage of votes the National Party received at the last state election. The government expected the National Party to oppose the bill because it is out of step with what country Victorians want. The National Party lost seats at the last state election and it continues to do so.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Kilgour)** — Order! Will the honourable members for Swan Hill and Dandenong North stop conversing. The honourable member for Bendigo East, without assistance.

**Ms ALLAN** — I am not surprised that the honourable member for Swan Hill is deeply worried about the number of votes that are getting by the National Party in the seat of Swan Hill. The government expected the National Party to vote against the bill but I am disappointed in the Liberal Party. This is a missed opportunity for reform. Liberal Party members took umbrage at my calling them conservatives. That shows how conservative the Liberal Party is in 2000. It also shows a distinct lack of leadership both within the parliamentary party and for all Victorians. Like the National Party, the Liberal Party chose to put self-interest before good reform. The government is trying to introduce good reform that is being blocked by the upper house.

It is interesting to note that the Liberal Party is not supporting the bill. There are three parts to the bill but I shall deal mostly with the reduction in the term of upper house members from eight years to four years. It is interesting to note the reason for Denis Napthine — —

**The ACTING SPEAKER (Mr Kilgour)** — Order! Will the honourable member for Bendigo East please refer to the honourable member by his correct title.

**Ms ALLAN** — Thank you, Mr Acting Speaker. It is a bit confusing because during the winter break there were so many leaders of the opposition popping up everywhere. It was a bit hard to keep up with them all!

The bill is straightforward. It reduces the term of the upper house members from eight years to four, but the truth is the Leader of the Opposition was driven by his own self-interest and that of his upper house colleagues. The Leader of the Opposition was driven by an out-of-date conservative view. Country Victorians should feel as much let down by the Liberal Party as they do by the National Party. The Liberal Party represents more seats in country Victoria than the National Party and it should be very careful with this issue because country Victorians turned against the National Party at the last state election. Its members should be mindful of being out of step on this issue as well.

It is hypocritical for the Liberal and National parties to oppose the legislation when one considers the negotiations that took place with the three Independents after the state election on 18 September last year. The Bracks government is in government following the signing of the charter with the three Independents. However, that same charter was also signed by the then leader of the caretaker government, the former honourable member for Burwood. It is a dreadful act of hypocrisy to backflip and now turn away from the commitment that was made last October. The Liberal Party has done a backflip on upper house reform and it is something that will possibly come back to haunt it.

It is interesting to reflect on the eight-year terms of upper house members who put themselves before the electorate. If they are successful they are there for eight years, which is a pretty good deal according to most people's work practices. Members who faced the electorate in 1996 do not face another election until 2003. If they were elected in 1999 they are not accountable again until 2007. That is quite straightforward. However, some members did not face the electorate at the last state election, which saw massive changes in a number of seats across the state. There are now members in the upper house with out-of-touch views who remain on a stale mandate.

Last year the Liberal and National parties in partnership chose to block the introduction of the Regional Infrastructure Development Fund. National Party members, including one of the members for North Western Province who did not face the electorate in 1999, voted to block a bill that would have delivered considerable infrastructure development to my electorate of Bendigo East — which forms part of his

upper house province. That is disgraceful. The honourable member did not have a mandate to do that. People voted for the Labor Party in the lower house, and it had a clear policy on the Regional Infrastructure Development Fund. The fund aroused great interest and country Victorians were excited about finally having a government that was putting funds back into country Victoria after seven years of taking them away. However, an honourable member for North Western Province decided to block the bill.

It is also interesting to note that the upper house contains members of the Liberal and National parties who voted to close 176 country schools, 12 country hospitals and 5 country train lines.

*Honourable members interjecting.*

**Ms ALLAN** — I will recap on that point because it is very important for country Victorians. The upper house still has members who were there in 1992 and 1996 and who did not face the electorate in 1999. They voted against country Victoria time and again. Through the upper house they let the Kennett government's ideological agenda strip funds out of country Victoria. They voted to introduce compulsory competitive tendering to country councils. All honourable members know how disastrous that has been for country areas, given the loss of jobs that followed. Upper house members voted for the massive cuts to infrastructure and services, and they are still sitting there after having faced the electorate back in 1996. They do not have to go back to the electorate until 2003 and can hide behind a stale mandate.

That is part of the reason why there was such a dramatic swing towards the Labor candidates and the Independents at the last state election. Country Victorians felt grossly dissatisfied with the Liberal and National parties. Unfortunately for country Victorians half the Liberal and National Party members who turned their backs on country Victoria and voted to close country schools, hospitals and train lines are still sitting in the upper house. Because they did not have to face the electorate at the last election they were not held accountable.

I must say that when the upper house blocked the Regional Infrastructure Development Fund Bill last year, country Victorians continued to be let down.

I turn to supervised injecting rooms. What good is it to Victoria to have an upper house that blocks only one bill out of 800 in eight years to protect itself, that puts self-interest ahead of good policy and votes against

government reform and supervised injecting rooms? That is absolutely shameful.

**Mr McIntosh** — On a point of order, Mr Acting Speaker, the honourable member for Bendigo East is clearly commenting on a bill that is listed on the notice paper and is due to be debated in the house.

**Mr Robison** — On the point of order, Mr Acting Speaker, I raise two matters. Firstly, in her contribution the honourable member has been referring to a wide-ranging debate on drug reform, which both preceded and will go beyond the bill before Parliament. Secondly, I understand the vote to which she referred was the vote in the Liberal Party room a couple of weeks ago, not a vote on the legislation that is before the house.

**Mr Lupton** — On the point of order, Mr Acting Speaker, the honourable member for Bendigo East indicated clearly that members of the upper house had voted against supervised injecting rooms. That is not the case — the honourable member was talking about Parliament. Now the honourable member for Mitcham wants to talk about what went on in the party room. They are two totally different things. The honourable member for Bendigo East was drawing a long bow; she was clearly misleading the house and was incorrect in her assumptions.

**Ms ALLAN** — On the point of order, Mr Acting Speaker, to progress the debate I am happy to correct the record by stating that I was talking about the Liberal and National parties voting against supervised injecting rooms, which they have done within their party rooms and made a very public position on a number of occasions. I will withdraw the reference to the upper house and say that Liberal Party and National Party members have stated that they intend to block the legislation in the upper house.

**Mr Plowman** — On the point of order, Mr Acting Speaker, I think the point was missed by the honourable member for Bendigo East that the issue was about anticipation. It is not a matter of her just withdrawing what she said. The point of order was raised because she was talking about and giving views on a debate which is to come before both houses of Parliament. Obviously that is contrary to the rules of this place dealing with anticipation.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member has 2 minutes.

**Ms ALLAN** — Thank you, Mr Acting Speaker. As I was saying, the bill is about accountability for a

conservative club whose only restriction is that it has an eight-year membership. It is interesting to note that until 1979 it was a conservative men's club that women were shut out of. That is another history lesson, to add to those given by the honourable member for Brighton earlier. I am talking about accountability and its relevance to all Victorians, which is what the bill is all about.

The bill is based on a strong set of principles and a strong commitment to revitalising democracy — democracy that was badly damaged by the former government — and strengthening the accountability of the upper house, regardless of its political make-up, and to make it more accountable to the voters by having its members face the electorate every four years rather than sitting on stale mandates. The upper house is in urgent need of repair because it does not act as a house of checks and balances, which is what the opposition seems to be concerned about.

If it acted as a house of proper checks and balances it would have perhaps amended or opposed some of the draconian Kennett government legislation that was rammed through it day after day, particularly that which hurt country Victorians. But no, the former government chose to use its majority in the upper house and pass the legislation, and country Victorians were the losers. Consequently the Liberal and National parties were thrown out of office on 18 September last year.

It is interesting that the only set of principles the Liberal and National parties operate from are those that protect their privileged position, their eight-year terms, and their unrepresentative system that they are so concerned about. Few convincing arguments have been put forward by the opposition on this bill, which is all to do with protecting self-interest. This will be the first bill in eight years — —

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

**Mr LUPTON (Knox)** — I listened with a great deal of interest to the speech of the previous speaker. Her contribution was truly amazing. She explained in her very warped way about how the bill related to three matters. However, I found a media release by the honourable member for Dandenong North, who describes himself as the upper house task force convenor, in which he has a go at me. Bearing in mind that the honourable member for Bendigo East indicated that the bill related to three matters, I will refer to the press release by the honourable member for Dandenong North, which clearly states:

Hurtle Lupton —

that is me —

might attempt to cloud the issue, but the fact is that this bill does one thing and one thing only — it cuts terms for upper house members from eight to four years. He can't hide from that.

That is from the convenor of this upper house task force. Yet the honourable member for Bendigo East in her 20-minute contribution said the bill was about three things. Now who is right, and who is wrong? I would have assumed that the task force convenor, the honourable member for Dandenong North, would have known what he was talking about. Yet the honourable member for Bendigo East said something totally different and talked about three matters. The honourable member for Dandenong North talked about one matter; it is here in writing and I can assure him that it will be on the record. Does he know what he is talking about? Bearing in mind that he was the Australian Labor Party state secretary, what useful contribution would he be able to make to anything?

The honourable member for Bendigo East referred to three parts of the bill and proceeded to criticise and moan and groan about the upper house and the fact that it blocked the Regional Infrastructure Development Fund Bill. Let me get the facts straight because, to be honest, she was quite loose with the truth. The upper house did not block the Regional Infrastructure Development Fund Bill; it amended it. The purpose of the amendment purely and simply related to the right of the minister to grant amounts of \$2 million without any checks and balances. The Minister for State and Regional Development was allowed to issue amounts of \$2 million without anybody saying yea, nay, or anything else. The upper house wanted checks and balances to be brought into place so that an amount of \$2 million — —

**Mr Lenders** — On a point of order, Mr Acting Speaker, I again refer to standing order 93, which says of the rule of anticipation:

No member shall allude to any debate of the same session upon a question or bill not being then under discussion . . .

That legislation was debated last year, but in the same session, under the terms of the constitution. So the honourable member for Knox is referring to a bill that was debated during the last sitting and not — —

**Mr LUPTON** — On the point of order, Mr Acting Speaker, on a number of occasions the honourable member for Bendigo East clearly referred to that particular bill. As I said earlier, I believe she misled the

house, and I am only reiterating and correcting statements that she made. I am not quoting from *Hansard* or anything else. I am talking about my memory of the facts.

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

**Mr LUPTON** — The upper house did not block the legislation; it amended it and sent it back to the lower house. When the lower house moaned and groaned about it, which is typical of the Labor Party and of this government, the upper house then let it go through.

The purpose of the upper house amending the Regional Infrastructure Development Fund Bill was to make the Parliament further aware that concerns were being expressed by the conservative side of the Parliament. Members of the opposition do not believe any minister should have the right to allocate amounts of up to \$2 million without the necessary checks and balances. Honourable members should bear in mind that members opposite belong to the same party that gave the then Minister for Agriculture and Rural Affairs the right to spend \$2 million without checks and balances and that sent this state bankrupt in the late 1980s and early 1990s. However, instead of trying to correct all the misstatements made by the previous speaker, I will return to the bill.

**An honourable member** interjected.

**Mr LUPTON** — Members of the government are saying it is undemocratic to have eight-year terms, and so on. If one looks around the world at established democracies in countries other than Australia, one finds that members of upper houses in Canada and the United Kingdom are appointed, sometimes for many years. Members of the United States Senate — and, indeed, the Australian Senate — have longer terms than are proposed by the government, as do members of the upper house in New South Wales, which is a Labor state. So the terms of Victoria's upper house members are not unique. I thought New South Wales was a Labor state. For some years prior to 1996 Australia had a Labor government, and yet Parliament seemed to be able to operate all right as it was — and is.

I suggest that honourable members go back a few years. During the Bolte government — and that is going back a few years, well before the member for Bendigo East was probably even thought of — —

*Honourable members interjecting.*

**Mr LUPTON** — I was probably a middle-aged man then — but that is beside the point. However, during

the Bolte government, except for the last couple of years of its term of office, the upper house was under the control of the Labor Party and the then Country Party.

**Mr Leigh** interjected.

**Mr LUPTON** — That is right — the interjection by the member for Mordialloc is valid. The Bolte government was one of the more successful governments in the history of Victoria. It was able to operate and get by with an upper house that was opposed to the government in the lower house.

All honourable members can remember that back in the mid-1980s, after the Nunawading by-election, the ALP had control of the upper house — only for a very short time, thank God. During that short time, the then government passed the legislation that created Workcare! The current situation is the same. The fact of the matter is that during the very short time that the then government had control of the upper house it operated in a particular manner. At that stage the number of members of the Labor Party, the National Party and the Liberal Party must have been pretty close. I suggest that it was probably only because of the ineffective and shocking way that the then Cain and Kirner governments operated in this state that governments were thrown out of office as they were. I suggest that that is also the reason behind the current balance in the Legislative Council, which, so far as the Labor Party is concerned, is all out of whack.

People are elected to the upper house by people who have one vote. What is more democratic than an election system of one person, one vote? The same happens in the lower house, and yet the argument by the Minister for Police and Emergency Services, who is at the table, is that it is undemocratic because members of the upper house have long terms. As I said, members of upper houses in some other established democracies around the world have even longer terms.

**Mr Nardella** — In the US Senate they have four years.

**An Honourable Member** (to Mr Nardella) — It is six years.

**Mr LUPTON** — It is six years. The honourable member for Melton's interjections are incorrect. He said that members of the US Senate have four-year terms, whereas they have six years. Maybe he can get it into his thick head that the difference between four and six is two!

*Honourable members interjecting.*

**Mr LUPTON** — You are amazing. You stick your nose in, you do not know what you are talking about and you get it wrong. I love it when the honourable member interjects: he gets fired up.

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Knox should ignore interjections across the house as they are disorderly.

**Mr LUPTON** — It is a great temptation, Mr Acting Speaker. Thank you for your ruling. I will try to control myself, but I love it when they interject and muck up what they say.

The previous speaker made a wide-ranging speech but made a lot of assumptions. Who introduced this system to Victoria? I believe it was introduced by John Cain in 1987. John Cain, a former Labor Premier, introduced the current legislation, to which both houses of Parliament agreed. Labor has been elected to government and, without going to the people, suddenly decides it will chuck it up in the air, alter the constitution and change the upper house. I tell a fib; you did go to the people. The honourable member for Dandenong North went to the people. He stated clearly in his press release:

... this bill does one thing and one thing only — it cuts terms for upper house members from eight to four years.

That is absolute rubbish. He is the convenor of the task force and has told untruths to the local press. It is amazing.

Other aspects of the bill are important. The bill will remove the power of the Legislative Council to block supply. A previous speaker gave an excellent example. If the bill is passed and the upper house decides to block every bit of legislation, there is nothing that the Parliament could do about it unless it voted against itself. The Labor government and the Independents would have to vote against themselves to get the thing fixed. There could be a constitutional crisis for the next three years and we would not be able to do anything about it.

**Mr Viney** interjected.

**Mr LUPTON** — The honourable member for Frankston East is interjecting. The fact is that members of the lower house could not do a thing about it without voting themselves out of office. That has not been mentioned. As I said, the honourable member for Dandenong North said it would only relate to the four-year terms. What are we talking about?

*Honourable members interjecting.*

**Mr LUPTON** — What would Labor know about the Westminster system? The upper house provides security for all the government's legislation, including the state budget. I refer to the Regional Infrastructure Development Fund Bill. Concerns were held about the legislation and attempts were made to amend it because of those concerns.

If one examines some of the legislation that has gone through this house under the current government, one will find the upper house has had to amend many bills. The government's legislation has been so poorly drafted it has had to be amended elsewhere, or else come back to this house because mistakes have been picked up. That is what the upper house is for, to provide stable government. The Labor government and the opposition will argue about that.

Labor wants absolute power. This Labor government has recently, for no sound reason, sacked the Governor of Victoria.

**Mr Nardella** — Rubbish!

**Mr LUPTON** — The interjection is that the government has not sacked Sir James Gobbo. That is amazing. I must have been reading the paper incorrectly. Returning to the former Cain government, who was it who sacked Sir Brian Murray, a former Governor of Victoria? It was the same mob.

The fact is this government wants control and absolute power by making the terms of office of upper house members the same as those of the lower house, which is something that has been sticking in their craw for a long time. The government does not have a mandate for it. It was not even raised at the election in September last year. It was not even raised at the Frankston East by-election, was it?

**Mr Viney** interjected.

**Mr LUPTON** — It is now all part of ALP policy. When was the last time the ALP policy was trotted out for the Victorian public to examine? Who drafts it and who reads it? That is probably a more valid point.

I now refer to some of the press releases.

**Mr Viney** interjected.

**Mr LUPTON** — Are you still talking? You are like an empty rubbish bin.

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

**Mr LUPTON** — I am sorry, Mr Acting Speaker, I was not talking about you being an empty rubbish bin; I meant the honourable member for Frankston East.

I refer to an article from the *Herald Sun* of 31 May under the editorial title 'Victoria's Senate' which states, in part:

Mr Bracks wants to reform the upper house because it is dominated by the Liberals and is thus a potential obstruction to Labor's legislation.

A key reform would be to use the Senate's proportional representation voting system, which has been responsible for giving Independents and the Democrats a stranglehold on the government of the day.

In general, the Liberals have a responsibility not to frustrate legislation put forward by the Bracks government, which has a mandate in the Legislative Assembly.

Let us examine proportional representation. I will only touch on it briefly. If what is written in that editorial comes into effect, we could have a situation — heaven forbid! — where people such as federal Independent Senator Brian Harradine would carry the can and people from the nuclear disarmament mob would have a say in how to govern the state. I do not want that. I understand the Independents want it. They have been responsible so far and have shown an even hand in the way they have voted on all things.

I quote from an article headed 'Labor four below par in upper house' in the *Age* of 1 June. The *Age* is not particularly known for being on the conservative side of politics. The article states:

The Bracks government this week resumed its push to reform the upper house. But whatever shape the Legislative Council takes in future, Labor ministers in that chamber need to lift their game immediately to stop proceedings becoming a joke.

This week, the Legislative Council President, Liberal Bruce Chamberlain, reprimanded Labor's upper house leader, Monica Gould, for dragging out the committee debate on the Workcover bill to more than 5 hours — half of that in silence as she was briefed by her advisers.

No wonder the government wants to get rid of the upper house. Its Leader of the House cannot talk, but has to have silence for 2½ hours.

I refer to an editorial in the *Age* of 31 May under the heading 'Upper house plan is a poor result', which states:

The government has accepted the Independents' proposal for the Council to consist of eight five-member electorates —

this is getting off the track a bit, but the two pieces of legislation are closely aligned —

based on a proportional representation system of voting. The proposal allows for four purely suburban seats, two combining the suburban fringes and rural areas ...

The media is saying it is a nonsense and is unnecessary. The government has pulled this out of a hat without going to the people — government members argue it is part of the Labor Party platform — to explain what it is talking about. It is wrong and undemocratic.

The evidence I have referred to during the debate makes it clear that a couple of government members have misled the Parliament. I believe the legislation is flawed and there is no way I will support it.

**Mr NARDELLA** (Melton) — The debate on the Constitution (Amendment) Bill demonstrates the view of the Liberal and National parties about the Labor Party being able to govern in its own right. They believe the Labor Party should never be able to form a legitimate government. When talking about reforming Parliament, the Liberal and National parties have the view that they are the parties that are born to rule, that they must determine whether legislation should be passed through this or the other place and that they and they alone should form government. That is the truth of what they believe.

Time after time honourable members opposite refer to the sacking of the Governor. The appointment of the Governor is at the heart of a government's ability to govern and its right to make decisions as a government. The term of the Governor expires on 31 December this year. This government has the right to appoint a new Governor. The Liberal and National parties cannot understand that. They believe they alone should appoint the Governor. They believe the conservatives in the other place should control all legislation, including legislation coming from the lower house, the house in which governments are formed. They do not believe in the Westminster system of government.

When the Governor's term ends it is the government's right to appoint a new Governor. There is no automatic contract to extend the term of the present Governor. The appointment of the Governor is being politicised by the conservatives — yet they say they uphold the traditions and conventions of Parliament and the Westminster system. They do not believe in the legitimacy of a Labor government. That illustrates why it is extremely important that a Labor government introduce reforms to the upper house so that a government that has a mandate in the lower house is not stopped from exercising that mandate.

On three separate occasions the Honourable John Cain was elected by the people to be Premier of the state, but for only two weeks of the period it was in government did the Labor Party have control of the upper house. Over the 144 years this Parliament has been operating the Labor Party has controlled the upper house for only two weeks! Of the 7488 weeks that Parliament has sat during that period Labor governments have had control of the upper house for only two weeks! That is why the Liberal and National parties oppose the legislation. They have no principles. They are not interested in democracy.

They did not care about democracy when the former Kennett government passed legislation in the upper house. During the period of the former Kennett government the Labor Party opposition proposed 140 amendments to the workers compensation bill, one of the 800 pieces of legislation introduced by the former government, but not one of those amendments was adopted by the conservatives in that place.

The Liberal and National parties now say that this legislation is an abomination. I will tell them what is an abomination — the conservatives in the other place protecting their privileges and looking after their mates. The Liberal and National parties do not want their members in the other place to face an election. If that occurred it would place the Leader of the Opposition on even shakier ground than he is already on.

The Liberal and National parties do not understand democracy. They do not understand a consultative process. The Labor government undertook a consultative process before introducing this measure. The first bill was introduced but held over during the Christmas break. The government listened to what was said in the community and decided to split the bill into two. It made sure neither was too complicated. This bill proposes fixed four-year terms. Some of the most conservative governments and states in Australia, including New South Wales, have fixed four-year terms.

This is not a radical proposition. If a government has a problem in passing legislation it can decide to go to an election. This is not radical legislation. If the government loses the confidence of the house Parliament is dissolved. That should occur whether the government is conservative or progressive. It should not occur just because an unrepresentative house determines that the government formed in the lower house should go to the people.

I now refer to representation in the upper house. In 1996 the Labor Party won 46 per cent of the two-party

preferred vote in the upper house, but it ended up with only 22 per cent of the seats. Firstly, Labor Party representation was diminished; secondly, it was not fair or equitable; and thirdly, the result did not provide on any analysis of what occurred a good outcome for the upper house. An unrepresentative opposition often means the government of the day can steamroll legislation through that chamber.

That is not good for democracy. Opposition members might have thought it was terrific because they were in government at the time, but they have paid the ultimate price. Although they continue to pay the price through by-elections, resignations, and their own instability, they still do not understand. They do not grasp the significance of what occurred in September last year and in the subsequent by-elections, because they do not understand democracy and fairness.

Victoria needs a true house of review, not a party house, which is what it has at the moment. The Legislative Council is a house of review only when the Labor Party is in office, and it will continue to be until major reforms such as those proposed by the bill are in place. The government must propose further reforms to allow greater democracy in the upper house to enable it to be an effective house of review.

Honourable members opposite have referred to the government's policy as one of abolition. The abolition policy died at the 1985 state election. It died because the then Kennett opposition had a massive campaign set to go against Labor's policy of abolition of the upper house. Four or five weeks before the election John Cain made a unilateral decision that changed Labor's policy of abolition to one of reform. That policy was subsequently ratified by the state ALP conference, and it has been the policy ever since. If honourable members opposite cared to read the policy ratified at the 1986 state conference, they would see that the change has been there since then.

Labor's position is that the upper house should have vigorous democracy and debate and that the government with its lower house majority should not be held hostage by another chamber. The upper house is not where the government is formed. The Westminster system has evolved in other states and in other countries to the point where even the House of Lords — opposition members have already referred to this — has changed dramatically. It has evolved from being a house in which members inherited or bought their peerage to one in which membership is to be determined through a process of consultation.

When honourable members say in this house, 'You cannot change the eight-year term; you are meddling with democracy and with our rights', they are talking about the conservatives' right to control a Labor government. That is wrong. Time and again the conservatives in Victoria have used the upper house to block legislation or supply. The Deputy Leader of the Opposition talked about the six occasions on which supply was blocked by the upper house, which in my view should not have occurred. The government is formed in the lower house. Supply should emanate from and be passed by the lower house. Confidence in the government should be determined only in the lower house. Therefore, it is inappropriate for members of Parliament who are elected through a different process to control the government of the day.

I would like Parliament to have a genuine committee system in which good suggestions could be made as a result of all the views held by the community and the various parties being discussed and debated in a truly democratic manner. No government is without flaws. The current government is not without flaws, just as the previous government was not without flaws.

**Mr McIntosh** — Workcover!

**Mr NARDELLA** — It is the former government's Workcover system, with its \$300 million black hole, and the 10 per cent goods and services tax that are causing the current problems. Do not come in here and say that the Workcover system is crook because of Labor. It was your system, and Labor is trying to patch it up while giving back to injured workers their rights and responsibilities. I want an upper house where debate can be conducted and bills passed by a genuine committee system, with the ability to send bills back to the lower house if there are genuine amendments. That is extremely important.

The National Party is a spent force, but it has not yet realised it. National Party members are opposing the bill and bucking the system. Not only do they have the government against them — and do not forget that the proposed amendments will not change their representation in the upper house — they also have the Independents against them. More importantly — and all Liberal backbench members know this — they have the Liberal Party gunning for their seats. By opposing the bill and opposing reform, National Party members are guaranteeing their own demise. The National Party is not doing itself much good at all.

Change is possible. The Deputy Leader of the Opposition lovingly referred to New South Wales, because that is where she worked some time ago and

where she cut some of her political ministerial adviser teeth. She sees New South Wales as a god. It was Nick Greiner who during his term as Premier of New South Wales made the radical move of changing the upper house system by reducing its term from three to two lower house terms. Yet the Deputy Leader of the Opposition says, 'We cannot change the upper house system. Look at New South Wales — it has two terms'. Of course it has two terms! It was the Liberal government she worked for that changed the position when it was in office.

What the Liberal Party needs, as demonstrated by its lack of support for the bill, is leadership and a vision for democracy, for community participation within the legislative framework and for taking Victoria forwards, not backwards into an abyss in which the upper house blindly lets bills through. The Victorian Liberal Party needs a leader who will take it forward, as Steele Hall took the Liberal Party forward in South Australia in the late 1960s with his electoral reforms. I support the bill.

**Mr McINTOSH (Kew)** — I join in this debate proudly with my side of politics to oppose the Constitution (Amendment) Bill as a matter of principle because this is a silly bill. I shall take the house through what the government wants to do to democracy in the state. It is a privilege to follow the honourable member for Melton because it is entertaining to see him standing in his place looking like a Saturn rocket about to launch himself, going red in the face and blustering but saying virtually nothing. However, he did identify the *raison d'être* of the Labor Party's grab for power. He pointed out that for a period of two weeks the former Labor government had control of the other place. The government resents the fact that in a democracy people are entitled to vote differently in the Legislative Assembly and the Legislative Council.

Over the past 20 years the people of Victoria have seen fit to return a Labor Party in control of the upper house for a period of only two weeks. It is arguable that it cheated, because it was followed by a hearing before the Court of Disputed Returns, which set aside the election that resulted in the Nunawading re-election. The *modus operandi* of the government is about a grab for power, not a matter of principle.

This is a silly bill which does nothing to advance democracy. Upper house members are elected in exactly the same way as lower house members. It is based upon four lower house seats representing one upper house province. One member is returned at the same election, and at the next election another member is elected for a different length of time. They resent the

fact that the people of Victoria see fit to return different party members in different houses.

The honourable member for Bendigo East was apparently only six years old when the Nunawading re-election was called and probably does not recognise that people do that: they did it in her own electorate. Unfortunately for the state, a Labor Party member, now the Minister for Workcover, was re-elected in the electorate of Bendigo West — and aren't we all grateful! The electorates of Swan Hill and Mildura also returned other candidates, but North Western Province saw fit to return a National Party member. That happens throughout the state, and government members resent the fact that people are entitled to vote differently between the two houses, as they do in federal elections where there is consistently a different vote between the lower and upper houses.

I direct attention to the bulldozer approach the Labor Party has taken to reform of the upper house, which appeared in one of its policy documents. The government is a minority government. Things may have changed, but at the last election more seats were won by the coalition parties than by the Labor Party.

The government has introduced these measures because it was required to do it under a charter with the Independents. That is the only reason the government is supporting the bill. No public discussion has taken place. Conversations may have taken place with the branches and electorates, but that is all. This bill has not captured the imagination of the public. There has been no public debate. If the government were genuine about this reform it would go about the process of forming a constitutional commission, referring the matter to the Law Reform Committee or some other committee or group of academics for examination and return with an all-party recommendation. The government chose not to do so.

There has been no debate between the two parties, and the government confronts Parliament with this bill. It is simply a bill to allow the government a blank cheque. If the people of Victoria are reluctant to give the Labor Party a blank cheque I do not blame them because its history in government has not been exemplary, particularly the former Labor government.

The principal matters I wish to address that arise out of the bill are: firstly, a fixed four-year term for both the Legislative Assembly and the Legislative Council, and secondly, the removal of the four triggers that are currently present under the constitution requiring a dissolution of this house and replacing them with one

trigger. The bill will remove the ability of the Legislative Council to block supply.

We have heard the honourable member for Frankston East interject that we have a Westminster system of government. We also have a system of responsible government in Victoria. That system is not a representative government such as that in the United States of America, but the executive is responsible to the Parliament. If one ensures that there are fixed terms two things will flow from that: firstly, one will be able to predict the date of the election 12 months, two years or three years out. Secondly, it will ensure an American-style election campaign that will not start 1 month, 2 months or 3 months but 12 months before the election campaign. Because of that an enormous amount of money will be spent on electioneering and campaigning.

The Republican Party in the United States of America spent \$70 million on its convention alone. I doubt that many members of the public in Victoria would accept there would be some reason to expend such an amount on electioneering over a 12-month period before a predictable date of an election.

I turn to the triggering mechanism. Every member in this place would realise that currently there are four mechanisms to trigger a dissolution of this house: firstly, the expiry of three years after which the Premier has the discretion to ask the Governor to call an early election; secondly, the rejection of supply; thirdly, a bill of special significance, and fourthly, a vote of no confidence in the government in this house.

The government wants to abolish three of those triggers so that all that is left would be a vote of no confidence in the government. That would be the sole trigger in this place. Presumably that trigger would be exercised only if the opposition and the Independents had the numbers. A constitutional stalemate could exist in the future where a government that held the majority of seats in the lower house did not hold the majority of seats in the other place, and with a hostile upper house every piece of legislation could be rejected — perversely, mala fides or otherwise. What mechanism would the government invoke in such a stalemate?

Under the current constitution, if the bill is passed the only way the Governor will be able to call an early election will be if there is a vote of no confidence. That means the only way a government will be able to break a constitutional deadlock will be to invoke that power and pass a vote of no confidence in itself. Do honourable members really think a government would do that? It would probably rather hang on for the four

years doing nothing. During that period nothing, not even appropriation bills, would get through, because the refusal to pass supply would be the end of the matter. It is quite absurd to suggest that reducing to one the number of election triggers advances democracy.

**Mr Lenders** — Move an amendment.

**Mr McINTOSH** — There is an amendment before the house. The honourable member for Gippsland East proposes that the upper house retain the ability to reject supply. However, that amendment would only exacerbate the problem because although the state would then have an upper house with the ability to reject supply and stop all government money from getting through, clause 3 of the bill would remain. In that event the government, even when it had no supply, no money to carry on its activities, could stay in office doing nothing for four years because under the constitution the Governor would not be able to call an early election. The Governor would require the government to move a vote of no confidence in itself. The bill provides no mechanism for breaking that constitutional stalemate.

There is a lot of strength in the Senate-style arrangement whereby the upper house has longer terms than the lower house. As many honourable members have said today, established democracies around the world retain longer terms for upper houses, as also happens in this country. The classic case is the United States Senate. As honourable members with a background in history will know, the framework of our federal democracy comes largely from American sources, including the terms ‘Senate’ and ‘House of Representatives’, and the US Senate has a longer term than the US House of Representatives.

The structure we have in Victoria is similar to the arrangement in Canberra. Federal senators are elected for six years, effectively twice the period for which members of the House of Representatives are elected. The same is true for the Canadian upper house and for the House of Lords in England. In both those cases members of the upper house are appointed, the upper house operates as a true house of review and differential terms of office allow for review.

I was pleased to hear the honourable member for Melton say he would support an enhanced committee system in the upper house. I would also like to see an enhanced committee system in that house so that it could carry on its activities well in an appropriate way. I look forward to such an arrangement in due course.

It is apparent that the upper house in Victoria represents all sorts of different groups.

**Mr Lenders** — How many women members are there?

**Mr McINTOSH** — There are many women in the upper house, and a lot of young people. Some of the youngest members of Parliament are in the upper house. Throughout Victoria's history people such as Joan Kirner, Robert Menzies, Dick Hamer and many others have had their initiations in the Victorian upper house as young people. Even the honourable member for Melton had his genesis as a member of Parliament there.

The model honourable members are considering is one of a house that would be used by the Labor Party in its grab for power. It would do nothing to enhance democracy; it is all rhetoric. At present the lower house and the upper house are elected in a similar way. That is not a gerrymander. All honourable members know that the boundaries of upper house provinces are drawn by the Victorian Electoral Commission, which is an independent body.

Like members of this house, upper house members do an enormous amount of work, as they are elected to do by their constituencies. The government must allow the people of Victoria to make their own decisions about how they will vote. It is their privilege and prerogative to vote differently when voting for the lower house from the way they vote for the upper house. Allowing people to behave in that way is a straight out matter of democracy.

I come to the essence of the matter. The honourable member for Melton said that at the last election, on a two-party-preferred basis, 47 per cent of the electors voted for his party in the upper house, yet the party holds only 22 per cent of the seats. That is the way our system operates. If the honourable member were to win only 47 per cent of the votes on a two-party-preferred basis in his electorate of Melton he would lose, and we would all be very grateful. That is simply the way the system operates. The winner gets 50 per cent plus 1.

The privilege of the people of Victoria to vote differently when voting for the different houses should be enhanced and entrenched. Following the recent Burwood by-election I had a conversation with the honourable member for Dandenong North. We discussed the upper house reforms which were proposed at the time and which were introduced into the house last December. The honourable member mentioned there was a difference in the way people

voted when they were voting in the lower house from the way they voted when they were voting for the upper house, so he understands that the people of Victoria vote differently for different houses.

Now that the Labor Party is in government in Victoria the people may wish to ensure that there is a break between the houses. That does not mean the upper house will be obstructionist because 97 per cent of all bills that went to the upper house during the Cain-Kirner years were passed without amendment.

During his contribution today the honourable member for Dandenong North did not once mention that conversation or those figures. He understands perfectly well that there is a differential and that the only way the Labor Party will obtain a majority in the upper house is, by his own account, through rejigging the figures and the electoral system.

That is a scandal and a scam. It is undemocratic. I will defend to my last breath the democratic principles on which the state is built. I will not allow the government to change the system to suit itself.

**Mr VINEY** (Frankston East) — I am proud to support the bill. As usual, it is Labor that is driving reform in this state and delivering on its commitments.

**Sitting suspended 6 30 p.m. until 8.02 p.m.**

**Mr VINEY** — As I was saying before the suspension of the sitting for dinner, as usual it is the Labor Party that is driving reform in this state and it is Labor that delivers on its commitments, one of which was to reform the upper house. The Constitution (Amendment) Bill and a subsequent bill reflect the Bracks government delivering on that commitment.

Victoria's Legislative Council has a long history of reform. When one examines its history, one sees that it has been continuously and gradually reformed since it began as an unrepresentative place based on representation by and of the property classes.

The bill continues that tradition of reform, yet members of the conservative side of politics consistently resist reform. One wonders whether the inclination to resist democratic reform is so entrenched in their thinking that they think elections should be run as they were originally.

Given that it is now after dinner, and for the benefit of the house, I thought I might read a short extract from *People's Counsel — a History of the Parliament of Victoria 1856–1990*, Raymond Wright's account of the history of the Victorian Parliament. As I said, one

wonders whether the conservatives might like things to continue as they were so that the style of the first election held in Victoria could continue. The process is well described as follows:

As voters entered a booth, they were given a paper upon which were written the names of the candidates. They were required to erase the names of those they did not support. The completed paper was then placed in a box. The mechanics of this process left much to be desired. Supporters and opponents crowded around each voter to watch the erasures and shout out the favoured candidate. To further enliven proceedings, the rival camps periodically opened the box of completed votes to see how their men were going —

of course, they were always men in that instance —

and then hectored those hapless voters who later arrived to cast their first, historic vote. 'It was providential', recalled one contemporary, 'that the day passed over without loss of life'.

Our democratic systems need to be continually updated and modernised, yet consistently through the history of the Victorian Parliament the conservative side of politics has tried to resist reform. If the conservative position were to be adopted, elections in Victoria would still be conducted as they were described in Wright's account. Clearly the Labor side of politics has been at the forefront of democratic reform, ensuring that this Parliament is modern and representative of the views and wishes of the Victorian people.

The Constitution (Amendment) Bill continues the tradition. It has three key elements but principally it proposes fixed four-year terms for members of the Legislative Council. Honourable members opposite have been unable to respond to the premise of four-year terms and its basic principles for democracy. I have heard nothing from them that debunks any of the principles of good, democratic government and processes described in the bill. They have only criticised the process.

Honourable members know that when they are unable to discuss the principles before the Parliament they immediately resort to nitpicking and picking holes in the process. I am happy to discuss the process the government went through to bring the bill before Parliament. The process was that of going to an election with a clear platform of reform of the upper house. It ensured that the Victorian community would get behind the party that was proposing the reform.

The Labor Party had the courage to propose reform and the restoration of democracy after seven years of its destruction by the previous government. The Labor Party proposed the restoration of the democratic processes for conducting the business of government

and changes to the democratic structure of the Parliament itself.

The Labor Party had the courage to put those issues on the table for Victorians to decide, and the community clearly and dramatically decided it wanted a change at the general election on 18 September. It was reaffirmed at the supplementary election held on 16 October in Frankston East when I was elected. Victorians subsequently confirmed the need for change when the honourable member for Burwood was elected for the Labor Party. Finally, Victorians voted for a restoration of democracy and reform of the democratic processes when they elected a Labor member for the first time in the seat of Benalla. Victorians have had plenty of opportunities to say they were not sure they wanted change, but they continually confirmed it and then increased that confirmation.

The government has undertaken the restoration of democratic process but the opposition parties have missed the fundamental point which we in this Parliament should work by — that is, the process of an election. The election was brought on and we went to the people with our policies, one of which was the reform of the Legislative Council.

Fixed four-year terms have a number of benefits. They provide certainty for business and the broader community and ensure business confidence. Members on the other side like to beat their chests about their understanding of business. The bill proposes fixed parliamentary terms so the business community can know the date on which an election will be held — four years after the date of the previous election — and will therefore be able to plan for it. That is something business will support. Members on the other side want to nobble the bill. They have no understanding of the business community.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The honourable member for Polwarth's behaviour will not be tolerated. He is out of his seat and being far too loud and unseemly. I ask him to desist.

**Mr VINEY** — Members on the conservative side of politics — they really cannot be called the opposition because they have split; the lovers have spurned one another — have the opportunity to give certainty to the community by getting behind this important reform. However, they want to nobble it because the current cosy arrangements suit their colleagues in the Legislative Council.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I ask the members of the opposition to restrain themselves.

**Mr VINEY** — The other side do not have a genuine interest in providing business with certainty.

One of the other benefits of four-year terms is that they provide certainty in government, allowing a government to implement its policies and giving the community sufficient time to evaluate them and make a judgment about that government's performance at a subsequent election.

The bill also brings the Legislative Council into line with the Legislative Assembly by reducing the terms of members of the Council to four years. Fundamentally, the bill is about democracy. Members on the other side have referred to democracy, but they forgot about it for seven years. They were unable to understand the true principles of democracy and had no idea what democracy means. The bill is about restoring democratic principles to the people of Victoria through their elected representatives.

Members of the upper house should face the people every four years to get a fresh mandate, as is required of members of the lower house. This is the only Parliament in the world where an upper house has an eight-year term.

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! If the honourable member from Berwick cannot control himself he should leave the chamber.

**Mr VINEY** — Let us look at the impact of eight-year terms by picking a seat such as Chelsea Province in the other place. Over many elections that electorate has see-sawed between the parties. At present one of the members for Chelsea Province represents the true wishes of the voters — the honourable member elected in 1999 — and the other, the Honourable Cameron Boardman, has a stale mandate. Not only that, he has a poor memory about where he votes. What happened at the last election?

At the last election the Honourable Sue Wilding, the then member, bore the full brunt of the wrath of voters in Chelsea Province for the seven years of the Kennett government's destruction of democracy in Victoria. The Honourable Cameron Boardman will have to wait another three and a half years before he cops that serve, but it will come. It is difficult to justify one member being required to face the electorate's reaction to the

seven years of the former government while another member is allowed to get off scot-free.

The purpose of the bill is to ensure that members of Parliament are accountable for failing to stand up and represent the true interests of the electorate. When members of the Legislative Council roll over and happily pass bill after bill without amendment or challenge and demonstrate the internal capacity of an Easter egg, they should face the people and the consequences. Who else in Victoria gets a job contract for eight years?

*Opposition members interjecting.*

**Mr VINEY** — Members opposite are interjecting and yelling about the value and validity of eight-year terms, but it was they who insisted on the massive reforms of the workplace for both public and private sector employees. The same honourable members who want to protect eight-year contracts for their colleagues in the upper house are the ones who insisted on performance-based individual contracts and the ripping away of the normal protections for employees in the workplace. They do not want those same conditions to apply to their own colleagues in the Legislative Council.

The third key component of the legislation prevents the Legislative Council from blocking supply. It is undemocratic for an upper house to block supply when half of its members have a stale mandate and the other half do not have to face the people at an election. We have a situation in Victoria whereby half of the members who are able to block supply have a stale mandate and the other half are able to block supply without putting their jobs on the line. This bill provides a fundamental reform for democracy.

In the short time remaining, it is important for me as the honourable member for Frankston East to refer to clause 13 of the bill. That clause amends section 164 of the constitution to provide that an election will fail if a candidate dies after noon on nomination day and before the end of the polling day. That provision may be referred to as the Frankston East amendment because it deals with the situation that created a significant amount of confusion during the last election about whether the election should be cancelled.

There was legal and press advice that the election should not have been cancelled. In my view, the only proper way to go was to cancel the election for the good of democracy and to have a subsequent election. However, the anomaly in the current constitution suggests that perhaps the election should not have been

cancelled. It is important that we clarify that aspect of the constitution.

I understand members opposite have no intention of supporting the bill. However, this provision should be something we can all agree on for the sake of the democratic processes of elections. In the experience I had there was considerable confusion on the day for everyone involved, and it is important that the matter be clarified. This bill provides for that.

Should members opposite continue with their decision to oppose the bill, I urge them to at least propose an amendment removing all the provisions except clause 13, because it is vital for ensuring that if a similar incident were to occur in a subsequent election a supplementary election could be held. That is the only proper way for the good of democracy — —

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

**Debate adjourned on motion of Mr WILSON (Bennettswood).**

**Debate adjourned until later this day.**

## PERSONAL EXPLANATION

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — I wish to make a personal explanation. Yesterday in question time I informed the house that unemployment had fallen below 10 per cent in every region across Victoria and that that had not occurred since 1992.

I have just been advised by my department that the information provided to me was incorrect and that unemployment has in fact been below 10 per cent in all regions of Victoria on two other occasions since 1992 — in October 1998 and October 1999.

I have only just been informed that the initial advice was incorrect, so I am correcting the record at the first possible opportunity.

## VICTIMS OF CRIME ASSISTANCE (AMENDMENT) BILL

*Second reading*

**Debate resumed from 26 May; motion of Mr HULLS (Attorney-General).**

**The SPEAKER** — Order! As the required statement of intention has been made pursuant to

section 85(5)(c) of the Constitution Act 1975 I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

**Dr DEAN** (Berwick) — In the usual way in which the opposition does its best to cooperate with the government, it will not be opposing the bill, and those portions of it which are a useful addition to the victims of crimes assistance program introduced by the previous government will be acknowledged. But, as usual, I will have something to say about aspects of the bill that certainly need some airing.

A good place to start is with what I would call a reality check on the Victims of Crime Assistance Act. Looking across now at the government benches, I can see that no-one is sitting on the other side tonight who was in this house in 1996 when the Victims of Crime Assistance Bill was introduced. It was an extraordinary piece of legislation that changed forever the way victims of crime finally received appropriate assistance.

It is important to note that despite all the comments made by the then Labor opposition, it has, with the exception of the small changes now being proposed, accepted the originating legislation in its entirety. The present government is not changing the main thrust of the originating bill, which was an attempt to get help and assistance for victims of crime as quickly as possible and to do so fairly and equitably.

It is important to recall some statistics of the time and to review what the legislation has done. In 1995 an Auditor-General's report on the bill estimated that in the next five years — that is, from 1995 to 2000 — the cost of criminal compensation via the crimes compensation tribunal would be about \$630 million. In other words, the Auditor-General thought the tribunal, which was operating on the basis that you rolled up, said what had happened to you and got a payment of a certain amount for pain and suffering and whatever other amounts the tribunal thought was appropriate, was running at around \$100 million a year and was heading towards \$160 million a year in 2000.

It was on the road to bankruptcy. The average award was around \$5000, and in 1994–95, \$58.9 million was awarded to people who applied to the tribunal claiming compensation for injuries that were more than two years old. That means more than half of the amounts being paid at that time by the tribunal were paid for events that occurred two years previously, and that was in the face of an enormous amount of scientific information that said that if you do not intervene as quickly as you possibly can to assist a victim of crime you are probably making things worse rather than

better. Yet there we were with more than half the applicants not getting to their compensation packages for over two years. In fact one-third of those people were in the situation where their cases were more than three years old before they actually got some sort of response to the fact that they had been the victims of crime.

**Mr Plowman** — Sounds like Workcover to me!

**Dr DEAN** — It was. It was the workers compensation court of victims of crime. Basically there were certain solicitors who knew the ropes, and if you got in with those solicitors they would whip you up to that tribunal faster than you could say 'Jack Robinson', just as it was with workers compensation in the old days, when you would get a package response.

Unfortunately, if people did not have communication or a connection with one of those solicitors they did not receive anything. They probably did not even know about the system. If honourable members take a reality check on those figures they will see that in 1995–96, 31 000 offences committed against the person could have led to a claim in that tribunal. Of the 31 000 persons offended against, only 8500 applied for compensation. I repeat that some 31 000 people were victims of crime, yet only 8500 people knew about the system and received some response.

Turning to the 1998–99 figures, 35 846 people called for assistance using the new automatic referral line, of which victims of crime were advised as soon as they came in contact with the police. Those figures come from the budget papers for 2000–01. It is extraordinary when examining the estimates for 2000–01 as compared with those for the year following the introduction of the legislation to see that the number of people estimated to go through the full level of counselling will drop from 12 000 to 8000. The government's own estimates and budget papers indicate that will happen.

A small asterisk in the budget papers indicates that the reason for the estimated drop is new legislation that is about to be introduced, and presumably that can only be an attempt by the government to try to pay for this part of the pain and suffering package. The government will reduce the package that has been so incredibly successful in reaching out and assisting large numbers of people.

Looking at the history and taking a reality check shows that in its inquiry prior to the introduction of the Victims of Crime Assistance Act, the Victorian Community Council Against Violence said it was

essential in Victoria that victims of crime receive two things which they were not receiving and which were causing great trauma. The first was that they should be advised of their rights, because according to statistics some 20 000 were simply not aware of them. The second was that they receive some form of treatment and help immediately after the crime. The council said there was an absolute need for coordinated services, and that evaluation and therapy should take place as soon as possible. This was in line with what the Transport Accident Commission and Workcover were saying — that is, that when someone has an accident there is a need to react quickly and get recovery happening as quickly as possible.

It is irksome to still hear suggestions from the Attorney-General and others that in some way the former Kennett government was not proactive in relation to victims of crime. Not only did the former government introduce legislation that revolutionised how victims of crime were treated, it also operated on other fronts to protect them. The former Attorney-General, Jan Wade, for the first time introduced victim impact statements, which were sadly lacking. She also introduced the domestic violence intervention order, a major step in protecting in the courts women who had been attacked or were suffering some consequence of violence. The Magistrates Court is now being used for the creation of interim and final intervention orders. The use of that court for that purpose has become a growth industry and will probably need to be examined. Those rights were introduced by the former government.

People are now talking about indefinite sentences and saying, 'How can we let people out of jail again and again when everyone knows they will reoffend or eventually commit a murder?'. That legislation was introduced with the agreement of the opposition.

The former government's record on victims of crime was a full approach and it is there for all to see. I worked with Mrs Wade fairly closely and we did not agree on all issues. However, one issue about which I had enormous admiration for Mrs Wade was the way she pursued the protection of victims of crime, particularly in the knowledge that 90 per cent of victims of crime are women and that the processes that were in place did not give them the protection they needed.

Every time legislation came up Mrs Wade would look at it. If one examines the legislation she introduced one sees in all sorts of nooks and crannies the provisions to protect victims of crime. Whenever Mrs Wade designed or had designed a new court she insisted that an area be provided to enable a person to come into the

court to give evidence without having to walk past a defendant. She also ensured a private spot to protect witnesses. Mrs Wade was proactive in the use of video conferences so that in particular children could be cross-examined through the video conference process. Those initiatives were introduced by the former Attorney-General, and they are now taken as the norm and used all the time. I hope and I know the government will continue to pursue those ideas.

I remind the house of the basis of the victims of crime assistance package. The criminal compensation tribunal had been going down a path on which it could not continue. People were not receiving compensation until some two or three years after the event. An extraordinary number of anomalies allowed people to obtain scarce funds as victims of crime in all sorts of weird and wonderful ways.

One example of a situation that needed to be dealt with was a case where the natural father of a deceased victim who had been adopted out at birth claimed compensation for pain and suffering as a result of his daughter's death. Since her adoption at birth the natural daughter had made only one contact with her father by tracing him through an agency prior to her death. The natural father, who lived in Tasmania, came to Victoria to make an application to obtain compensation. In another instance a de facto spouse and daughter of a deceased victim who was a drug trafficker applied to the tribunal as dependants of the deceased victim. The money they received from the deceased was the proceeds of drug trafficking.

There is a further example of an applicant who was shot while attempting to cause serious bodily harm to person X while extorting money. He refused to cooperate with police in the investigations. He then made an application to the tribunal to obtain compensation as a result of being shot as he was trying to seriously injure person X!

There was still further the example of pub brawls and street fights. The tribunal received numerous applications for compensation and even though the applicants may have been injured the applicants had also provoked or exacerbated the situation that led to the injuries. The applicants claimed compensation for pain and suffering in addition to their medical expenses. That occurred, for instance, where the applicant was drunk and approached the assailants with a bar stool, or where the applicant had previously threatened the assailant. The person caused a pub brawl, bashed someone up, but then was hit himself and went to the tribunal to get some money!

**Mr Wynne** — Do you support financial compensation or not?

**Dr DEAN** — I am getting to that point so just relax. I am still taking a reality check. All the issues to which I refer were problems that were solved by the act.

**Mr Wynne** interjected.

**The SPEAKER** — Order! The honourable member for Richmond will cease interjecting.

**Dr DEAN** — The honourable member for Richmond misunderstands the situation and is getting into a bit of difficulty.

The then opposition accepted the amendments that the previous government made to cover this matter, and they are now in the act which this government is not amending in any way. The government is happy to have the amendments the previous government made to overcome the problem. At the time opposition members said, 'Well done'. So I think the honourable member for Richmond misunderstood what I am saying. I am not getting stuck into the act, because it was created by the previous government.

The last incident I mention is one involving an applicant who was struck in the face with a bicycle chain as he left a milk bar as a consequence of a brawl that he started. He also got compensation. As a matter of fact, he had 113 prior offences of similar assaults from 1957 to 1985 — —

**An Honourable Member** — Nobody is perfect.

**Dr DEAN** — Nobody is perfect. It was important that things be done. The system was on a financial disaster course and was not providing the immediate assistance which all the scientific evidence said it had to do. So this program was introduced.

If one looks at the statistics and the people the program now reaches one can see that it has been a massive success. The number of people who now receive full counselling has nearly doubled, and the number who ring up, get a voucher and perhaps get to a doctor or whatever has increased from 8000 to 35 000. That is a significant increase. The program has been professionally run and is an extraordinary success.

It divided people into primary victims, secondary victims and related victims. A primary victim — the person against whom the offence was committed — could obtain up to \$60 000 for medical expenses, loss of income, legal and counselling expenses, and extra exceptional expenses; perhaps he or she needed a

computer or had to go away for a while. A primary victim could ask for and get those responses. A secondary victim — a witness who had watched what happened or the parent of a child victim who may not have seen the offence but who was obviously shocked — could get up to \$50 000 on the same basis, for loss of income, medical expenses, immediate counselling expenses, and all the help he or she might have needed.

Related victims — either family or other people who had an intimate relationship with a victim — could also get up to \$50 000. All those people who were related were able to apply to receive funds from a pool of \$100 000, for counselling expenses, funeral expenses, loss of income if they were relying on the victim, and other losses that were considered appropriate for them. They could also get payments for distress caused by death, which was not pain and suffering compensation but which was similar to it.

Then amendments were made to ensure that pain and suffering compensation could be obtained in the court. If an offender had been convicted as a criminal, under the Sentencing Act an application was able to be made directly to the court for the victim to be paid for pain and suffering. So a terrible problem that could have caused a complete collapse of the system was fixed in a professional way. But at the absolute heart of the system was the victims of crime assistance scheme. An agency was established — and an agency operates in my area, the Windermere Child and Family Services — and a referral line was set up for anybody who had a query about getting assistance as a victim.

The telephone number for the line was given by police to people they met who had been victims of crime. It was an essential link for those people who had never had a chance of getting any help as victims of crime, because previously the police did not say anything about it and so they just went on. Unless such a person knew a solicitor who knew about the Crimes Compensation Tribunal, he or she would not know about it.

The referral number was given out straightaway, and there was also a creative process whereby the police had vouchers. They could say, 'Here, you are a victim of a crime, you are traumatised, you need to see a counsellor straightaway', or 'You need help, here is a voucher'. They actually gave out vouchers. They would say, 'Here is the referral line number, and here is a phone, so ring up. After you have spoken to the referral line this voucher will enable you to see a number of people. We suggest you go there straightaway and get immediate help'.

The voucher and referral system was the absolute key. It is what the Transport Accident Commission and Workcover are doing; it is what Jan Wade, the then Attorney-General, did in 1995 to try to ensure that the basis of getting immediate help was established and that the costs of the system did not blow out to the \$160 million per year that the Auditor-General said it would cost if it continued in that form.

The current scheme is still very expensive. It is interesting to note that, apart from the minor amendments to which I will refer, the Attorney-General went absolutely berserk when the original Victims of Crime Assistance Bill was introduced. He ran the line that the then government was proposing to remove access to compensation for victims of crime. People who had not understood the basis of the act — and why should they, when they were not told? — believed that victims of crime were suddenly having all their support withdrawn because pain and suffering — —

**Mr Wynne** — Did you remove financial compensation?

**Dr DEAN** — No. Financial compensation was available for all the special damages, such as medical expenses, counselling, and so on. What was removed was the payment to primary and secondary victims of a lump sum component of compensation for pain and suffering of primary, which was paid on top of everything else and obtained two or three years later and was being used in the most extraordinary way.

**Mr Wynne** — So the answer is yes?

**Dr DEAN** — I am coming to what you are proposing. The Attorney-General said, 'I will restore the pain and suffering component completely'. The opposition said to him, 'Hang on, the Auditor-General has said that if you do that on top of the program that we have introduced, which is already going to be incredibly expensive, it is going to blow up in your face. There is no way of doing what you propose because all of a sudden certain people will not be able to access it. It is better to have everyone with some access than a few getting big bundles of money'. The Attorney-General said, 'No, we are going to return it to just the way it was. Just wait — we'll do that'.

A marvellous thing about going into government is that all of a sudden people have a bureaucracy to talk to. At that time the bureaucracy effectively said to the Attorney-General, 'I'm afraid you cannot return it to the way it was in relation to the pain and suffering component because you will go bankrupt. There is simply no way you can do that'. What will the

Attorney-General do? He had gone through all that was done and he had said, 'You've taken away all the financial support for victims of crime' — which was not true — 'We will put back the pain and suffering component', so he had to do something about it.

**Ms Delahunty** — It is like a bedtime story.

**Dr DEAN** — The great thing about telling a bedtime story is that people listen, and I am pleased that the minister is listening.

The Attorney-General had to include a mickey mouse pain and suffering component. He said, 'We will have four categories for pain and suffering, which will be arranged in order of severity, and we will limit what a person can get for pain and suffering to certain amounts'. 'Well', the bureaucracy said, 'if you are going to do that you will have to be very careful, because if you make them too large you will get into the same problem that you had not recognised when the former government made its alterations to the original scheme'.

What has the Attorney-General done? The top category is the pain and suffering lump sum available to a victim of rape. What is the maximum amount a woman will receive under the proposed processes for pain and suffering, compared with the unlimited amount payable under the old scheme? The proposal is that \$3500 will be the absolute maximum a woman can get for pain and suffering for rape. What is payable to a woman who is brutally raped, which is at the top end of the scale? The Attorney-General's answer is that \$7000 is the maximum that will be paid.

Why was he put in that position? The answer is because he did not think it through when he was making his comments and getting stuck into the former government in general and Jan Wade in particular, saying that she was not supporting victims when in fact she was reorganising the system to enable victims to have access to a facility that Victoria could afford and that would do the maximum good for them. But it gets worse.

If one looks at the lower end of the scale, how much do you think the Attorney-General has managed to allow for pain and suffering for someone who has been assaulted? Because the members of the bureaucracy have come to him and said, 'You can't do this', how much do you think he would put on pain and suffering for someone who has been assaulted?

**An Honourable Member** — A hundred dollars?

**Dr DEAN** — You're right. How did you get to the figure of \$100? It is an insult. It is basically saying to a person, 'You have been assaulted, but I am giving you compensation for pain and suffering', knowing all along that the financial arrangements would not work. He did not know all along, although he should have known, but he knows now. The Attorney-General has been forced into this ridiculous position of basically insulting people. He had to withdraw the threshold of \$200 because under the old system \$200 was the limit. Now victims might get \$50 or \$100. It might cost \$200 for the tribunal to make the decision and all the things that go with it, but they will get \$100. Then they pay the representatives and the people they had to get to go to the tribunal.

Yes, the government has put back compensation for pain and suffering, and that is fine. The government is right; something extra is better than nothing. The point is it will not be able to be increased. Even the \$7500 maximum for victims of vicious rape will start to eat into the finances due to the expansion that will occur, because now many more people are accessing the system.

In its budget papers the government stated that after the introduction of the legislation the number of people who go into full-time counselling will be reduced by 4000. That surely means the government realises if it puts too many people in the system it will be in deep trouble. The very thing the former government was trying to achieve, which was proper and immediate response for as many victims as possible rather than a Rolls Royce response for the few people who were lucky enough to get it, will go by the wayside again.

**Ms Delahunty** interjected.

**Dr DEAN** — They were lucky because the others did not have a chance. They were lucky because under that system they never got near a tribunal to get some money. If the minister is not listening, it is probably better she does not comment.

**Ms Delahunty** — I am.

**Dr DEAN** — Then how are you getting it so wrong?

This is a problem. The opposition will not oppose the bill and wishes the government luck. We do not want to see that other assistance package reduced in any way and we will be watching that closely. It has been a huge success and I hope it will continue to be a success.

There are other issues covered by the bill, and I will not go into them in detail. The previous government introduced the ability for a victim of crime to go to the

court that actually convicted a person and apply for compensation under the Sentencing Act. That has proved to be successful, and it is appropriate that the perpetrator of a crime, if possible, pays directly for what the victim has suffered. Under this proposal that system will be expanded to allow an application to be made 12 months rather than 6 months out from the conviction. It allows representation and the production of more evidentiary documents, and that is a good thing.

The bill takes special financial assistance, which under the original act was available to primary victims, and provides that also to secondary and related victims, and that is also a good thing. It removes the \$200 threshold, which I have already spoken about, and which had to be removed. The bill states that a person can obtain the minimum award without having to prove injury, but must have suffered some significant adverse effect. I am not sure how that will work. Presumably a significant adverse effect is an injury — that is what happens to a victim of crime. I do not see how that injury does not have to be proven in some way.

Whether that means you just get up and say, 'I have a significant adverse effect', and you get paid, I do not know. If that is the case, it is looking for trouble. It will be monitored not only by a monitoring body, another committee the Attorney-General has put together, but the opposition will be keeping a close eye on it.

The Liberal Party acknowledges the changes made to the Sentencing Act and the minor changes made to the Victims of Crime Assistance Act. It should be acknowledged that the principal act introduced revolutionary changes that have not been altered but have been retained by the government, despite what it was saying prior to the last election. It was misleading the people of Victoria.

The Liberal Party also notes that the claims Labor members were making in their speeches in this place about restoring the pain and suffering provisions to what they were prior to the Kennett government reforms have not been adhered to, because there are now severe limitations on the compensation for pain and suffering victims of crime can obtain. The Attorney-General has been forced into this position because he would not accept what the then government was saying.

You have the ridiculous situation of a person who has been assaulted going to the tribunal and coming away with \$100 for pain and suffering. Frankly, the whole point of pain and suffering payments is to assist the victim psychologically. That is what they are for. The

other payments account for medical expenses, counselling and so on. The pain and suffering component is meant to be a psychological help to a person. I am concerned that a payment of \$100 is effectively saying to someone who has been assaulted, 'This is what we think of the level of your trauma'. Wouldn't it be better to put the money into counselling, which is where it was directed by the previous government?

The Liberal Party will keep a close watch on when the pain and suffering payments are made, because one of the reasons for the changes was that often they were made two or three years after the event, when any damage done to the victim was ingrained. There is plenty of scientific evidence to back up the claim that the benefit of pain and suffering payments received that late is minimal, so the system was not appropriate. It is to be hoped this system will not get back to that situation. It would be a tragedy if the compensation were not paid until years after the event, but the referral and voucher systems and the other mechanisms put in place by the former government may prevent that from happening. The Liberal Party will keep a close watch on it because these people need help quickly. They need a certain type of help from experts. They were not getting that, which is why the Kennett government changed the system.

The pain and suffering component is something that has been added to other measures, but the Liberal Party will keep a close watch on whether the severe limitations the government has imposed on itself have a negative rather than a positive impact.

**Mr RYAN** (Leader of the National Party) — I say at the outset that the National Party does not oppose the Victims of Crime Assistance (Amendment) Bill. In light of the excellent contribution made by the honourable member for Berwick I will resist the temptation to go through the background to the bill. Anybody who for whatever reason may read the contribution I make this evening should be urged, before doing so, to read the comments of the honourable member for Berwick, who has traced the history of events giving rise to the legislation. My contribution will therefore be briefer than otherwise may have been the case.

It is important to have as a starting point the history of the bill. The principle the government wants the bill to advance is the notion that a responsibility rests with the community at large to pay as a symbolic gesture an amount of money from the public purse for the pain and suffering of a victim of crime. That description

encapsulates in brief the essence of what the bill is intended to achieve.

Given that as an acceptable starting point, it is relevant to examine the bill in the context of what has gone before it. Part 4 of the Criminal Injuries Compensation Act 1983 under the heading 'Awards of compensation' defined awards within a variety of categories. Section 15 dealt with compensation for expenses and section 16 dealt with compensation for pecuniary loss. Payments made under the pecuniary loss provisions were for 12 months and were linked by regulation to amounts payable to workers entitled to payments under the provisions of the Accident Compensation Act 1985.

Section 17 provided for compensation for dependants and, importantly, in the context of the bill, section 18 provided for compensation for pain and suffering, which was said to be an amount not exceeding a figure prescribed for the purposes of section 16. The regulations which applied in 1995 and which led to the act of 1996 prescribed a maximum amount of \$20 000 for pain and suffering. That led to the introduction of the Victims of Crime Assistance Act 1996. That legislation has been the subject of criticism by the government, which has given rise to the bill before the house.

Another provision of relevance in the Criminal Injuries Compensation Act is section 18A, which was introduced in 1988 by the former Labor government. In 1995 the total compensation awarded to applicants by the Crimes Compensation Tribunal was not to exceed the amount prescribed by the regulations, which was \$50 000. That meant that by 1995 the total amount of compensation for pain and suffering, pecuniary loss and expenses incurred under any head of damage as prescribed by the 1983 act had advanced to a maximum of \$50 000.

The honourable member for Berwick traced the history of events giving rise to the Victims of Crime Assistance Act 1996. I was a member of the committee that examined the issues that gave rise to the 1996 bill. From a personal perspective, I had a natural reaction against the concept of the abolition of payment for pain and suffering. When I was practising law, as I did for 18 years or so, and people came to me as victims of crime, my first instinctive reaction was that they should be paid an amount of money as compensation for their pain and suffering. Indeed, I handled many such cases in days of yore.

The first reaction in 1996 when examining this issue was to have an adverse view on the abolition of pain and suffering compensation payments. Without tracing

its history as the honourable member for Berwick has done, I point out that in practical terms the way the system then operated was very different. The honourable member for Berwick has set that out, and I will not reiterate the figures.

The 1996 legislation defined as primary victims those who were immediately impacted on by the criminal act, whatever it may have been. Then there was provision for the secondary victims, defined as people who were present at the scene of an act of violence and who were injured as a direct result of witnessing that act. Then there were the related victims, defined as persons who at the time of the occurrence of the violence were close family members or dependants or had an intimate personal relationship with the primary victim.

In the context of this debate it is relevant to point out that the maximum payment for primary victims was set at \$60 000 and for secondary victims, \$50 000. There was a capacity within those two categories for payments that reflected the total amounts to be paid from the public purse. Provision was also made for related victims to be paid up to \$50 000 but no more than \$100 000 in total.

On the one hand, while the notion of compensation for pain and suffering was abolished in 1996, on the other hand the government should recognise as a matter of fairness that extensive provision was made for persons who were defined as primary victims, secondary victims or related victims under the Victims of Crime Assistance Act of 1996.

It is important to reflect that within those categories payment could be made to primary victims for counselling services, loss of earnings up to \$20 000, loss or damage of clothing and other expenses that were actually or reasonably incurred. Without going through them, I mention that similar criteria applied to the other two categories of victims under the legislation. Those sums of \$60 000 and \$50 000 for the latter two categories respectively were allowed for.

I now turn to the fundamental proposal in the legislation, a matter that was referred to by the honourable member for Berwick. The current proposal is that clause 7 will insert proposed section 8A, which will provide for four categories of acts of violence — not surprisingly, A, B, C and D. By regulation different forms of crime will be allocated to categories A to D. Payments will be made to reflect pain and suffering within the ambit of those categories. Category A will be for the most serious acts of violence, for which a minimum amount of \$3500 up to a maximum amount of \$7500 will be allowed.

In category B the minimum payment will be \$1000 and the maximum will be \$2500. In category C the figures will be \$500 and \$1000 respectively, and in category D they will be \$100 and \$500. Proposed section 8A(6) provides for a capacity to move between categories of seriousness for any given criminal event.

It troubles me that people might view such payments for pain and suffering as insulting. The second-reading speech makes it clear that the payments prescribed in the bill are not intended to reflect payments victims would receive at common law for comparable events. It is apparent that amounts prescribed in the bill bear no relation to what a victim would normally receive at common law.

Taking the unfortunate example of a brutal rape referred to in the second-reading speech, the idea of an individual suffering that most appalling of events and then being the subject of an award of \$7500 at common law is nonsense. In my days as a common lawyer — some might say a very common lawyer — specialising in litigation for people injured in a variety of accidental circumstances, someone who had suffered injuries as a result of rape would probably be awarded 10 or even 20 times more than \$7500. Rape causes most dreadful injuries.

I understand the general notion behind the government's proposal. It wants to reintroduce the concept of a payment for pain and suffering to victims of crime. Nevertheless, I am genuinely concerned that a person suffering an appalling event such as rape might be paid only \$7500. Such a person could well regard that payment as inadequate. The government's response is that the payment is symbolic — it is an amount paid from the public purse on behalf of the community to show the community's awareness that a terrible injury has been done.

However, I do not believe victims of terrible criminal offences will see it the same way. A person who has been the subject of a crime or injured in any circumstance where negligence or a criminal act has occurred will believe such an act equates to a given degree of damage as reflected in a certain amount of money. The victim will feel that a payment of the order prescribed in the bill is blatantly inadequate to compensate for the injury suffered.

The 1996 legislation made provision for payments to meet the immediate needs of people suffering the consequences of a criminal event, such as counselling and medical services and the like, as well as for compensation for pecuniary loss of up to \$20 000. Those provisions were intended to approximate a

realistic representation of the needs of the person at the time. I am concerned that a scale of payments that has as its upper figure an amount of \$7500 may be viewed prospectively within the community as being completely inadequate.

I accept that the government had a pre-election policy to address the issue and that it has set out to do so. As is explained in the second-reading speech, the government has allocated \$45 million over three years, or \$15 million a year, for the scheme. The government has endeavoured to meet the practicalities of otherwise having the situation blow out as happened in 1996, when the former government tried to meet an obligation it made in its pre-election policy.

I sound the warning that the government's best intentions may well end up going astray because the people who will be subject to the legislation will consider themselves poorly done by. Despite the government's indication in the second-reading speech that it is intended that the payments be symbolic, the victims of crime will not make that distinction.

The honourable member for Berwick dealt very well with the other elements of the bill. To its credit, the government has made provision for children who have been the subject of criminal offences when younger than 18 years — that is, below the age of majority. Provision is made for children who were sexual assault victims before July 2000. It is important that the government has recognised that it is financially impossible to deal with the matter on the basis of total retrospectivity. I suppose — and again I am genuine about the matter — that highlights the essential point that provisions in the legislation relate to the Sentencing Act. The former government endeavoured to establish that an order could be made against an offender in a manner that would provide for recovery by the victim. The government has expanded that process in the manner it believes will assist. We will see what happens with the passage of time.

I have outlined my essential concerns about the bill. It is instructive to reflect — again as a matter of fairness — that provisions were introduced into the 1996 legislation to enable people to obtain immediate assistance of up to \$60 000 for the primary victim and \$50 000 for secondary and related victims.

The essential departure in the bill is the return of the notion of payment for pain and suffering, which was a pre-election commitment of the current government. Without wanting to go over the top about it, I sound the warning that I hope applicants under this legislation

will not feel slighted by it, as opposed to what is intended to be achieved by the government.

**Mr WYNNE (Richmond)** — I thank the honourable member for Berwick and the Leader of the National Party for their contributions to the debate on the Victims of Crime Assistance (Amendment) Bill

I am particularly pleased to debate an important piece of legislation which, as the Leader of the National Party indicated, is the delivery by the Bracks government on another key policy commitment — that is, to reinstate compensation for pain and suffering for victims of crime.

I am delighted also because it brings to fruition the work of a committee I had the pleasure of chairing on behalf of the Attorney-General. It looked deeply at many of the significant implications involved in the reinstatement of compensation for pain and suffering.

The committee had to address some significant issues when trying to strike a balance between the need to fulfil the government's election commitment to provide compensation for pain and suffering while ensuring the scheme was fiscally responsible and sustainable over a longer period. I assure the Leader of the National Party that the committee looked carefully at the issue during its deliberations. It considers that a balance has been struck in providing a level of compensation to victims of crime.

It is important to examine why the government finds itself in the position of having to reinstate a fundamental right which was available to Victorians but which was so cruelly taken away by the former government.

In particular I draw the attention of honourable members to a radio interview given by the former Premier, Mr Kennett. Its contents were highlighted by the current Attorney-General when speaking on the earlier bill to abolish compensation for pain and suffering, the debate on which was reported in *Hansard* of 29 October 1997. His speech outlines some of the thinking behind the previous government's intention to abolish compensation for pain and suffering. Former Premier Kennett's words are illuminating. He stated:

And what we've decided is that the state's role is to distribute public money for medical treatment, for psychological treatment, et cetera. I do not believe it is right that we give compensation to enable people to help their daughter or son with a financial problem. I do not think it is appropriate that we give money, the public's money, to go out and buy a red coat. I do not believe it is right that we give public moneys to them and have people go on a holiday.

He continued:

I heard coming down to the station this morning one lady had wanted a red coat all her life so the public bought her a red coat. The public gave her money for a crime, a tragic crime that she was a victim of, to assist her daughter with a financial problem. Now, that is not what the public's money is all about.

That infamous radio interview set the tenor for the ensuing debate in 1997, leading to the abolition of compensation for pain and suffering.

The then government suggested that the compensation was part of a cargo cult mentality and that the victims of violent crimes were in some way attempting to rot the system. It was an extraordinary proposition. The former government took away the fundamental rights of people to seek a symbolic gesture from the state that acknowledged they had been victims of violent crimes and that the state in some way could compensate them.

In the course of conducting the inquiry I had the opportunity to meet people who were providing support services to victims of crime and others who had been victims of the most heinous crimes. One case really stuck in my mind. A woman who came to see me talked painfully through her own and her children's experiences of the most horrendous crimes — multiple assaults over extended periods, years and years of abuse by her partner, and on multiple occasions sexual crimes committed against her children. With great courage the woman spoke about what it meant to her to receive compensation. She was able to seek compensation because the crimes against her had been committed in the mid-1990s, and her compensation came through in 1998.

The woman decided that the best way to make reparation and keep her family together — her family members having gone through this extraordinary abuse — was to use the small amount of compensation, about \$7000 or \$8000, to take the family on a holiday to the Gold Coast for two weeks, to help them in some small way to gain some dignity and repair themselves. Would any fair-minded person say that was an unreasonable use of compensation for pain and suffering, which was so heartlessly taken away by the former government? It was shameful that that compensation was taken away.

In the contributions made by the two members opposite — and I think they were made with sincerity — there was a suggestion that the amount of compensation is too low and that it is only a token gesture. They fail to understand that the importance of compensation is as a symbolic gesture from the state. It is important that victims can go along to the tribunal,

say, 'Yes, yes! I have been wronged', and be acknowledged by the state.

**An honourable member** interjected.

**Mr WYNNE** — It has been suggested by the honourable member for Berwick that it is in insult. How can anybody possibly think a woman who has been the victim of a vicious rape can be compensated? The Leader of the National Party has pointed out that the former level of compensation for pain and suffering was up to \$20 000. What is adequate compensation for someone who has been the victim of an appalling assault such as a vicious rape? How could one ever expect that could be compensated? It could never be compensated, but it can be publicly acknowledged.

Victims can go to the tribunal and have their day in a public arena. The state will publicly acknowledge the pain and the government is prepared to offer a symbolic or token gesture. Above and beyond the suite of other opportunities that will be made available, such as counselling, medical expenses and other forms of compensation, the maximum amount payable will be \$7000. That is a good thing. It is appropriate for Labor members to show they have humanity, are prepared to stand by their social justice principles and are prepared to say the rights previously taken away will be restored.

I put on the record the importance of the consultative processes the government undertook in developing the bill and the work undertaken by the consultative committee. It was a great pleasure for me to chair that committee. I also publicly acknowledge a number of people, in particular, Ms Fiona Hanlon, deputy secretary, legal, Justice Department, who showed great leadership in supporting the government; Professor Peter Sallmann, Crown Counsel; Mr Greg Byrne; Ms Judith Dixon, director, Victims Referral and Assistance Service, who is well known to both sides of the house; Ms Margaret Harvey, director, Asset Confiscation Office; Mr Pat Armstrong, chief executive officer, Melbourne Magistrates Court; Mr Adrian McGirr, principal registrar, Victims of Crime Assistance Tribunal; Ms Debbie King, director, Office of Women's Policy; Mr John Frigo, Victoria Police; Mr Bruce Gardner, Court of Appeal Policy and Advising, Office of Public Prosecutions; Ms Allyson Foster, Federation of Community Legal Centres; Ms Felicity Broughton, Community Council Against Violence; Ms Jenny Donnelly, State Victims Assistance Program Network; Ms Marg D'Arcy, CASA House; Mr Avan Zarb, Crime Victim Services, Geelong; Dr Chris Corns, senior lecturer, La Trobe University; and Mr Rick Brown, adviser to Russell Savage, who

also played an important role in the deliberations of the committee.

At the risk of embarrassing a member of the bureaucracy, I wish to acknowledge the extraordinary work and dedication of Ms Michelle Fisher and her support of the committee. Ms Fisher is in the adviser's box this evening. She did an enormous amount of work in developing the bill and worked tirelessly on behalf of the committee to bring it to fruition. It is not often that public sector bureaucrats receive acknowledgment, but Ms Fisher's work should be publicly acknowledged.

In the brief time remaining I will refer to the bill, which makes a number of amendments to the Victims of Crimes Assistance Act. It reintroduces compensation for pain and suffering, extends the class of victims who will be eligible to seek payment, enhances the rights of related victims seeking compensation in relation to the death of a close family member, a dependant or someone with whom they have had an intimate personal relationship, extends the time in which a child victim can seek a variation of an award, and addresses issues relating to public access to tribunal hearings.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Davies)** — Order! I ask honourable members to keep their voices down. The level of audible conversation is rising noticeably.

**Mr WYNNE** — As indicated previously, the scheme has been streamlined to include four categories of acts of violence ranging from A through to D with compensation for minor levels of offence starting at a minimum of \$100 up to \$500. For the most serious levels of crime, such as rape and incest, the levels of compensation will range from \$3500 to \$7500.

The government has proposed a fiscally responsible package. It is cognisant of both its social policy commitment to reinstate compensation for pain and suffering and the importance of maintaining tight fiscal management. The government is confident that the proposed scheme will achieve those objectives.

I will touch briefly on the importance of bringing child victims of sexual abuse into the catchment. Certain victims of child sexual abuse will also be able to apply for special financial assistance. This form of assistance will be made available for those victims in recognition of the inherent delays associated with the reporting of crimes to police, which is obviously a prerequisite for compensation for crimes.

Child victims of sexual abuse are unquestionably the silent victims. The government and the committee strongly believe the terrible tragedy of child sexual abuse is an area that had to be brought into the catchment. We are pleased that the scheme will be able to deal with the most vulnerable members of our community.

There are a number of other amendments in the scheme that particularly go to the capacity of a victim also to seek compensation through consequential amendments to the Sentencing Act. Section 86 of the Sentencing Act establishes an important remedy that is available to victims of crime.

In a recently publicised case compensation of \$325 000 was paid to the surviving victims of a nasty murder in Victoria. It was an important decision involving a very large amount of compensation. In that case the perpetrator was a millionaire who had the capacity to pay. The government strongly encourages the opening up of opportunities for victims to obtain remedy through section 86 of the Sentencing Act.

I am pleased to have had the opportunity to chair the committee, whose members worked extremely well together. The government certainly would have liked to have been able to provide this compensation back to 1997 when it was taken away by the former government. However, that is not possible because the level of potential funding was estimated to be in excess of \$60 million. Clearly, the government could not do that.

This is an important piece of legislation. It reinstates a fundamental right of victims of crime. It is an important symbolic gesture for the state to acknowledge that people have been victims of crime and deserve appropriate compensation for pain and suffering above and beyond the suite of opportunities available to them through counselling schemes and various other forms of compensation.

I am delighted to have had the opportunity to both chair the committee and welcome the bill into the house this evening.

**Ms McCALL** (Frankston) — In recognising that the opposition is not opposing the bill I focus my contribution on the issues related to victims of crime themselves and some experiences I have had both in counselling them and as a victim of crime.

I begin by quoting — I would hate to let Parliament down by not having a quote — from Gilbert and Sullivan, in particular W. S. Gilbert, in *The Mikado*:

As some day it may happen that a victim must be found,  
I've got a little list — I've got a little list  
Of society offenders who might well be underground  
And who never would be missed — who never would be missed!

The purpose of that quote is to say that the most essential thing for any victim of crime is that the perpetrator be found. It is not just about financial compensation; it is not just about a symbolic gesture; it is about creating an environment in which victims of crime are no longer victims. They are, in fact, people who recognise that the people who perpetrated the crimes against them are arrested, charged, sentenced and serve time as appropriate.

One of the things I remember as a member of the government was the former Attorney-General, Jan Wade — for whom I have enormous respect, particularly for her dealings with women as victims of crime — raising some of those issues and in particular the right to make a victim impact statement.

One of the most important things for a victim is to front the perpetrator or to have the opportunity to tell the perpetrator in court how he or she feels. It is a visible and audible way of dispelling some of the very strong feelings created by having been on the receiving end of a crime.

The other thing the former Attorney-General talked about strongly is the fact that sometimes victims of crime are totally unable to face the perpetrator, and therefore they need the right to give their evidence to court through the use of videoconferencing. That is another recognition that a victim of a crime is a person who suffers deep, hard-set feelings of anger, resentment, bitterness and a whole string of other emotions against the person who has violated either his or her person, family, property or life.

One of the many things I did when I had a real job, before I came into Parliament, was to spend some of my life as a Lifeline counsellor. They are known as Samaritans in the United Kingdom, which is where I was trained. They are taught through training and experience to deal with people, by telephone in particular, who have life-threatening concerns and who may wish to commit suicide or do harm to themselves. Very often those individuals have been the victims of crime. They may well have been victims of physical crime over a long period and may well have been the objects of child abuse or domestic violence.

One of the lessons I learnt as a Lifeline counsellor was to understand that money may be part of the solution but it should never be seen as the whole solution. The

symbolic gesture of saying to someone, 'Okay, the community publicly acknowledges that you were the victim of a violent crime. Here is some money to compensate' — and the current government says the way in which people use that money is up to the individual — is a very, very small part of a solution.

I began with a quotation that illustrates that for a victim of crime the offender being caught and punished is the most important thing. The second most important thing is that that victim has the right to front the offender if he or she wants to. But it is also important at the same time for society to create an environment in which the individual has the resources, the ability and the community support, if you like, to seek all the help he or she may require in coming to terms with what has happened. That is why the original bill introduced by the former Attorney-General, which dealt with the issues of medical expenses and counselling, was an important step forward.

It is not just giving a person a sum of money and telling that person to do what he or she likes, but an acknowledgment that in order for someone to overcome a personal trauma there would be a certain protracted period where that person would need medical counselling and attention, trauma counselling and grief counselling — a whole series of things that are financially beyond the pockets of many people, particularly victims of crime.

The issue of primary and secondary victims was addressed in the previous act. The primary victim is the person most noticeably on the receiving end of the crime, and the person who in many respects is the most directly affected. There is no question that society would acknowledge it is crucial that as much support as possible be given to those people. The support may include medical expenses, counselling or, as the honourable member for Richmond said, by enabling someone to have a holiday. I have less concern about the buying of the red coat the former Premier might have referred to than about support mechanisms being available.

The secondary victims of crime appear later in the picture. They may be people who have witnessed the perpetration of the crime or they may be family members who have become indirectly affected by the trauma suffered by the victims. That is important in issues of domestic violence in particular. Those secondary victims — the children of families where the mother, partner or spouse is the victim of domestic violence — can be permanently traumatised by the impact of the crime.

I have some concerns about putting a monetary value on what society views as appropriate for compensation. There is always a danger of saying, 'What is it worth to be raped?', 'What is it worth to be burgled?', or, 'What is it worth to be involved in an accident and lose an arm or a leg?'. I do not want Australia to go down the American track of everything suddenly having a dollar value attached to it. The issue is about the recognition of an individual who has undergone a difficult experience. The former Attorney-General and I had many conversations about that.

In the sense of trying to enlighten the debate, I will admit to this chamber that I am a victim of domestic violence. However, my ex-husband would probably claim he was also a victim because during the course of the domestic violence I knocked him unconscious with a Le Creuset frying pan. Those who know anything about cast iron cookware will know that the man was lucky to get up and walk away. When I emigrated to Australia I left the husband and brought the frying pan. I recognised the greater use for one over the other! The trauma we both experienced had no monetary value attached to it. I am blessed with a sense of humour and can probably fight my way through most things, but there is a recognition that an individual's trauma can have no monetary value placed on it.

More importantly, it is not appropriate that people continue to be referred to as victims. I hate to use the term. The worst thing a victim can be is a victim. If by counselling and support services the feeling of being a victim can be eliminated, whatever monetary value is placed on that, the self-confidence, the pride and the individuality of the person is restored.

The honourable member for Altona will recall that I was the victim of another crime. I was burgled when I lived in Altona. That was appallingly traumatic. The monetary value of what I lost was irrelevant — but my two cats suffered trauma. They did not quite know what had hit them when I came home and found the house wide open and the place burgled. The violation was awful — the recognition that some individual had broken into and entered my home without permission, rifled my personal possessions and taken away things which were probably not of high value in monetary terms but which were extremely important in personal terms.

How can people be compensated in that situation? They cannot. You cannot replace family photographs, family jewellery or funny mementos collected on holidays and trips. You cannot put a monetary value on those items.

It would have been far more important to me — I apologise to the chamber — if the so-and-so had been caught and I had been able to front him and say, 'I am a victim of the crime you perpetrated on me'. The money is irrelevant.

**An honourable member** interjected.

**Ms McCALL** — Yes, I probably would've hit him with a frying pan!

I believe we must be careful not to reduce everything in life to a dollar value. We must recognise that whatever compensation we give to someone who has been on the receiving end of a crime, however minor the law may view it or however major society may view it, it is important to also recognise that it is up to us as a community to provide victims with assistance through counselling and support services. I am not sure of the merit of placing a monetary value on crimes and I am not sure that \$7500 for aggravated rape is necessarily compensation if the rapist is not caught.

I urge the chamber to recognise that victims of crime do not want to be victims; they want to be members of society. They want to be confident and independent and do not want to say, 'That's great — someone has publicly acknowledged that I was a victim of crime by handing me a cheque'. They want a system that allows them to see the offender caught and punished. When considering any further legislation on victims of crime I urge the chamber to take that consideration into account.

**Mr THOMPSON** (Sandringham) — One of the saddest moments of my political career occurred 12 months ago when Mr George Halvaxis invited me to attend a public gathering convened by him at the Moorabbin town hall and attended by the families of a number of people who have been murdered in Victoria during the past few years. The families of Nicole Patterson, Jane Thurgood-Dove and Mersina Halvaxis were there.

I support the remarks of the previous speaker, who noted that one of the most important aspects is not necessarily setting a level of financial compensation on crimes but underpinning the contribution of victims of crime to the community and being aware of the feelings and concerns they might have in the circumstances. A public statement released by the Halvaxis family states:

We need to know who took our beautiful daughter's life. It won't bring her back, but it might help our grieving family. I ask all mothers and fathers to look into their hearts and see our grief. Help us find this killer.

The quest for justice is one of the principal objectives of many people whose lives have been affected by the effects of crime. It is important that politics be taken out of the debate. The house has heard members of the new government tub thump and stand on a soapbox when raising these matters. The issue needs to be sensitively addressed because the resources of the state are not always able to match what might be regarded as appropriate levels of compensation.

By way of example, a young Victorian was injured in a bicycle accident a number of years ago when he ran into a stationary car and was rendered a quadriplegic. Members of the current government made great play of the circumstance and said they would amend the Transport Accident Act to provide for fair and appropriate compensation for cyclists injured when vehicles are stationary and compensation is not automatically payable under the Transport Accident Act.

I understand the government has not been successful in introducing such an amendment, yet this family's circumstances were brought to the attention of the public in the belief that compensation may be available. The government has failed to deliver.

When the Scrutiny of Acts and Regulations Committee considered the 1996 amendments it noted in its *Alert Digest* No. 8 of 1996 that primary victims who were injured would be eligible for assistance of up to \$60 000 and that that was to include a counselling component; the payment of medical expenses which have been or may be reasonably incurred; the payment of other expenses which will assist the victim's recovery; and an award for loss of income of up to \$20 000.

The committee — an all-party committee which had a dominance of government members — also noted in its report that it was of the view:

... that the abolition of the right to apply for compensation for pain and suffering diminishes an existing statutory right. The committee has received a submission from the Children's Protection Society Inc. which raises significant concerns. The committee notes that victims of crime will be entitled to the payment of medical expenses and counselling. However, the committee further notes that the abolition of the right to apply for compensation for pain and suffering will be of serious consequence in respect of those victims for whom there is no other appropriate remedy. The committee is of the view that the provision diminishes rights but refers the question of whether the reduction is undue to the Parliament to debate.

What represented the appropriate regime for compensation was a matter that was very much on the minds and in the consciousness of honourable members on both sides of the house. The shadow

Attorney-General clearly pointed out to the house the importance of expedition in responding to and addressing the needs of victims rather than the possibility of a payment some way down the track. Comments were made in the house earlier of the adequacy — or rather, the inadequacy — of the suggested amounts of compensation for a range of offences, which would barely go little way towards redressing the pain and suffering of victims.

I refer the house to 1972, when a Liberal government first introduced compensation for victims of crime under the Criminal Injuries Compensation Act. The original act covered expenses actually and reasonably incurred as a result of death or injury, pecuniary loss as a result of incapacity to work, pecuniary loss to dependents, other pecuniary loss, and pain and suffering up to a maximum sum of \$3000. That legislation was amended in the 1980s, again in 1996, and now in 2000.

Throughout the various debates honourable members have queried the adequacy of compensation. At the end of the day the principal issue is that the scales of justice be appropriately balanced and that the people who are victims of crime have the opportunity to receive an appropriate level of counselling and support and the very best opportunity to make their way back into society. It has been my personal observation that one of the greatest levels of support available to victims of crime is not necessarily just the financial compensation that might be awarded, but rather, and more importantly, the level of support that is able to be provided to them by friends, family and members of the wider community who have in their own and varying ways to some extent touched upon experiencing the grief of those people who have suffered significantly as a result of violent crimes.

**Debate interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The SPEAKER** — Order! Under sessional orders the time has arrived for me to interrupt the business of the house.

### **Economy: performance indicators**

**Ms ASHER** (Brighton) — In the absence of the Premier I raise with the Minister for Housing an economic report put together by Colonial Bank entitled 'The state of the states — economic rankings June 2000'. The document ranked Victoria as the no. 1 state based on eight indicators the bank had chosen —

namely, economic growth, unemployment, retail trade, house prices, capital expenditure, building approvals, housing finance, and motor vehicle registrations. As I said, the verdict of the report was that Victoria came out the no. 1 state. If the report sounds familiar to honourable members, it is because the Premier mentioned it yesterday in answer to a dorothy dixer.

I call on the Premier to take the following action: to set the record straight on the veracity of this particular economic report. It is particularly interesting to read the report. If one looks at the dates on which it is based, they are particularly instructive, because they show that the report is not an economic outlook, as the Premier claimed; it is economic history. Indeed, with the exception of the unemployment trend figure for May 2000, as members would expect, all the remaining economic indicators on which the Premier based his claim that Victoria had a good economic outlook are historical figures. Three of them relate to the year from March 1999 to the year 2000, and four of them relate to the year from April 1999 to April 2000. The figures directly relate to a period during approximately half of which he was not in power. That also ignores the lag factor on which many economic statistics are based.

I quote from the document:

In the case of Victoria, monthly growth rates of retail trade have slipped over 2000 after very robust spending in 1999.

...

However it must be noted that the growth momentum in Victoria is weakening. Victoria was the stand-out in terms of growth in retail spending in 1999 but a sharp downturn has occurred in 2000.

It is a similar case with housing indicators where growth has slowed over 2000 ...

I call on the Premier to get rid of his economic advisers, who are showing the similar sloppy attitude towards documentation that he showed when he was an adviser to Cain and Kirner, and I call on the Premier to set the record straight, acknowledge credit where it is due, and acknowledge the document he quoted is a historical document with a lag factor.

### **Strathmore Secondary College**

**Mrs MADDIGAN** (Essendon) — I ask the Minister for Education if she could get her department to investigate what assistance may be available to Strathmore Secondary College in its proposed development of a Victorian space science education centre which it is hoping to incorporate in the current building program it is undertaking.

Strathmore Secondary College has been a leader in the area of space education. It initiated a space science program at year 9 and already this year has extended it to year 8. To develop the program it wants to put into place, which will be of value to all of Victoria, Strathmore Secondary College is working currently with the School of Physical Sciences at La Trobe University. Last year Strathmore Secondary College was the first Victorian school to participate in the Advanced Space Academy program in Huntsville, Alabama.

The space academy is run by National Aeronautic and Space Administration to assist in pre-education for students who are interested in becoming involved in the space industry as part of their careers. Seventeen students from Strathmore went to the space camp for five days. They also visited NASA as well as other sites in America that have a relationship with the space industry.

It is proposed to establish a program whereby Strathmore Secondary College will not only be providing space subjects for its own students but will be creating a centre that will allow for the education of primary and secondary school teachers to enable them to extend those subjects to their own schools. So it is not just for the students.

The space industry is certainly one where there will be many job opportunities in the future. It is interesting to note that while the space education program is being developed, a report from the ALP Hobart conference indicated that if the Labor government wins the next federal election — which of course we on this side of the house hope very much will occur — it will foster a high technology space industry in Australia. Obviously for schools in Victoria such as Strathmore Secondary College to have the opportunity to develop a specialist space education centre would give Victoria a real advantage in having well-trained people who could help support that industry and therefore attract industry to Victoria.

The program will not only be of benefit to students in the Strathmore area but will have great educational value and provide great career prospects for our young people. The school is keen to get going, as is La Trobe University. Obviously any support and assistance from the Education Department and the Minister for Education will be most worthwhile in getting such a worthy project off the ground.

### **Road safety: black spot program**

**Mr JASPER** (Murray Valley) — I refer the Minister for Transport to a program announced earlier in the year to provide funding of \$240 million for the black spot program for problem areas in the road network across Victoria. I support the project. Half the \$240 million is to be provided to projects in country Victoria — that is, \$120 million over the life of the Parliament.

To date Vicroads has received about 900 applications, many from country Victoria. In the north-east region almost 100 applications have been made for funding for black spot areas. There is no doubt a great number of problem areas exist in country Victoria where roadworks need to be undertaken. I ask the minister to advise what progress has been made. I understand that not only can the applications be made in writing to Vicroads, they can be put on to the Vicroads web site. However, my inquiries have revealed that if you contact the web site to find out what progress has been made, it gives no information apart from a number for the application.

The project covers a range of areas. Representatives of Vicroads have indicated they are developing a response module that people can use to determine where the project is. I ask the minister to provide information to the house on the progress of the applications that have been made, how those will be assessed through Vicroads, and what level of funding will be provided in this financial year to assist in the support of the various problem areas with roads that are regarded as black spots throughout Victoria, specifically in areas in country Victoria and in the north-eastern part of the state that are in need of funding. I seek that information and ask when it will be provided and when the program will be implemented.

### **Yea and District Memorial Hospital**

**Mr HARDMAN** (Seymour) — I refer the Minister for Aged Care to the previous government's 1999–2000 budget where funds were allocated for capital works for an upgrade of the Yea and District Memorial Hospital. The funding was very welcome, but the local community came to me because the funding was inadequate to redevelop the facility to its full extent. On several occasions since the election the Yea and District Memorial Hospital president and the director of nursing have been to see me as the local member about the need for adequate funding so they can build stages 1 and 2 of the hospital and aged care facility.

The hospital believes that as well as minimising disruption to the hospital and to members of the aged care community, it would be able to save \$100 000 in the cost of the building as the builders would be on the site for a shorter time and not moving on and off as the project is commenced and completed in two different stages. The Yea hospital and aged care facility does a fantastic job but the facility needs upgrading, particularly in fire safety, especially fire exits, and that was made clear in the accreditation processes that occurred late last year.

The aged care facility also needs to be upgraded to pass accreditation processes in the future. Obviously the facility needs to be able to continue its great work for the people of Yea. Caring for our aged has become a high-profile issue, probably one of the highest profile issues in Victoria this year. Yea and District Memorial Hospital has an excellent record in this area, as shown by the high community support for the facility.

Approximately \$800 000 of community money has been contributed to the building of the hospital. There are many wonderful facilities in the Seymour electorate, particularly in Healesville, Kilmore, Seymour and Heathcote, that are providing services in resourceful and creative ways.

I have visited the facilities on many occasions. On my most recent visit to Karingal in Seymour I was able to congratulate Laura Bennie on reaching 100 years of age. She received messages from the Queen and the Premier, which was fantastic.

Will the minister inform the house of what the government is doing to ensure that the Yea and District Memorial Hospital will be redeveloped as a fully integrated health service and whether stages 1 and 2 will be completed in a timely fashion?

### **CFA: volunteers**

**Mr WELLS** (Wantirna) — I raise for the attention of the Minister for Police and Emergency Services his total lack of support for the 63 000 Country Fire Authority (CFA) volunteers in the recent enterprise bargaining agreement being negotiated by the authority and the United Firefighters Union (UFU). The minister has sold out the volunteers. I ask him to take immediate action to ensure that further support is given to the volunteers.

It is well known that the minister did not stand up to the union or his colleagues in cabinet to ensure that they got a fair go. As a result of the agreement the notion of a community support facilitator, an excellent concept,

was thrown out. It was a great initiative introduced by the former government, but because the minister did not have the guts to stand up to the union the position was thrown out.

The community support facilitator was responsible for administration and reported to the brigade captain. It was a full-time position, working Monday to Friday, and the people who held that position undertook important education work. However, because they were not part of the union, Peter Marshall, the secretary of the UFU told the minister they had to go. Peter Marshall told the minister that under no circumstances would the new administration and education officers fight fires. That decision has caused many employers in Seymour and Benalla to tell me that they are reluctant to release volunteers who work for them because the CFA will not release its full-time employees to fight fires but is expecting employers in country towns to release volunteers.

I call on the three Independents to join with the Liberal Party to ensure that the minister is called to account. Further action must be taken to ensure that in the next round of enterprise bargaining that will take place in nine months time the rights of volunteers are protected and the minister will not cave in to the union as he did during the last round of negotiations.

### **Schools: federal funding**

**Mr STENSHOLT** (Burwood) — I urge the Minister for Education to take action to support independent schools. I have a large number of excellent independent schools in my electorate, and I have been out and about visiting them, including local Catholic primary schools such as St Mary Magdalene's in Jordanville. What a marvellous, supportive institution it is, supporting the communities of Jordanville and Chadstone. St Michael's in Ashburton, which two of my daughters attended, is another example of a local Catholic independent primary school looking after the local community and its children.

Local independent schools like these and Our Lady of Perpetual Succour in Surrey Hills and St Dominic's in Camberwell East do an excellent job educating our children, as indeed do schools such as the Presbyterian Ladies College, Siena College, Emmaus College, Salesian College and Kingswood College.

The Bracks Labor government delivered on its promise to support independent schools by allocating \$10 million for needy non-government schools and \$5 million for capital works. That support is welcomed by the people of my electorate of Burwood, particularly

given the uncertainty of the education policies of the federal coalition government, which does not seem to have the same commitment as the Victorian government.

I note that the federal education minister, Dr Kemp, is preparing to introduce a new schools grant bill into the federal Parliament. My constituents and I are concerned that they might be disadvantaged by the new legislation and vagaries of Dr Kemp. Accordingly, I ask the Minister for Education to take appropriate action to ensure that Victoria's independent schools are looked after and that no government school is disadvantaged in the face of yet another onslaught by Dr Kemp and his poor policies for independent education in Australia, Victoria and my electorate of Burwood.

### Trams: W-class

**Mr LEIGH** (Mordialloc) — I refer the Minister for Transport to the W-class trams and ask what he is doing with them. The minister will be well aware that two months ago, despite Yarra Trams saying it did not want its W-class trams out of the system, he, through his advisers, had them removed.

Since that time those trams, which are Melbourne icons, have sat in sidings around Melbourne. Honourable members would be aware from reading the *Herald Sun* and the *Age* that under a Labor government the W-class trams have sat rotting while Melbourne commuters have been in chaos because the minister is not prepared to act. Not one tram has been fixed and not one report has been released. Nothing has been done. The minister's answer to the problem is to take off to Japan, Hong Kong and Singapore with his new-found friends from City Link. He disappears — probably travelling first class on a jet. Talk about an empty suit running a transport portfolio!

Since the Labor government came to power, Victoria has experienced chaos at various levels. Where are the trams, Minister, and where is the report? The minister says there is no report to release and that he has the engineers looking into the problem, but nothing is happening.

Melbourne commuters are suffering because of the incompetent and arrogant Minister for Transport. Not only is he incompetent and arrogant; I regard him as lazy. I will be bipartisan about this and quote an article appearing in the *Age* of 14 August. The article, written by Kenneth Davidson, reads:

Perhaps some think of the transport minister, Peter Batchelor, who in an earlier political life was state secretary of the ALP, and is loyal to a fault. It would be hard to describe him as

Victoria's worst transport minister. He would be lost in a Melbourne Cup field for that honour.

But surely he must rank as the laziest ...

**Kenneth Davidson is his mate!**

I ask the minister on behalf of Melbourne commuters when the W-class trams will be removed from the sidings where they are rotting and put back on track. Melbourne commuters want action from the minister, not overseas travel. Perhaps it is time for the minister to stop being lazy, make some decisions, get the W-class trams back on the tracks and tell us how much it will cost Victorian taxpayers, as this time he has to pay the tram operators.

### Greater Geelong: electoral review

**Mr LONEY** (Geelong North) — I refer the Minister for Local Government to the decision last night of the City of Greater Geelong to seek a revision of its internal structures with a view to returning to a totally ward-based council. That decision follows the previous government's imposition on the City of Greater Geelong, without consultation or discussion with either the council or the people of the Greater Geelong area, of a two-tiered council structure of five regional and four ward councillors.

The structure has meant that Victoria's largest municipality had ward councillors who were supposed to represent some 45 000 people in a ward larger than a state seat. The decision follows a submission process in which the majority of submissions lodged favoured change from the current system. The majority of those seeking change favoured a change back to a ward structure of 12 councillors. The honourable member for Bellarine was one person who made a submission. He would know about an office in the Bellarine area that was manufacturing submissions.

The two councillors who served on the previous council and this council and had experience of both said that the current structure does not work. Cr Aitken, who topped the poll at the last election, was quoted in today's *Geelong Advertiser* as having said:

... the two-tier system was partly to blame for the party politics and bitterness which plagued the current council ... a return to an all-ward structure would help prevent that situation.

The previous government introduced party politics into local government to get into this chamber. To enable change to take place the state government should adopt the decision quickly. I ask the Minister for Local

Government to respond quickly to the request of the City of Greater Geelong.

### **Mount Waverley Secondary College**

**Mr WILSON** (Bennettswood) — I raise for the attention of the Minister for Transport the issue of road safety of students attending Mount Waverley Secondary College in my electorate. The safety issue relates to students boarding buses at inadequate facilities outside the junior campus of the school. The action I seek of the minister is that he encourage the Vicroads black spot advisory committee to give this matter urgent and serious consideration, resulting in immediate funding.

In essence, the issue is funding for suitable bus parking facilities in Stephenson's Road, Mount Waverley. Currently, buses wait for students at either the south side of Simpson Drive or the east side of Stephenson's Road. At peak time buses queue waiting for their student passengers, which results in significant traffic disruption and a safety black spot.

This problem can be reduced by creating an indented bus stop at the east side of Stephenson's Road outside the senior campus. This would be a small price to pay for the improved safety of children and to avoid a potentially fatal disaster. This project requires the cooperation of three parties: the Department of Education, Employment and Training, the City of Monash and Vicroads.

I am pleased to advise that the City of Monash is keen to see this project under way. On 24 March the regional director of the education department communicated to me the department's decision to fund the indented bus stops on a fifty-fifty basis with Vicroads. The success of the project now depends on Vicroads. The chief executive of Vicroads advised me on 6 March that the Minister for Transport would be in a position to announce successful projects in July 2000. By letter dated 3 August, the minister advised me that this matter is still under consideration. The information I now have suggests that a decision is as much as a month away. I implore the minister to give every encouragement to his advisory committee to secure adequate funding for this important project.

### **Turkish earthquake**

**Mr LENDERS** (Dandenong North) — I direct a matter to the attention of the Minister assisting the Premier on Multicultural Affairs. As members would realise, a terrible tragedy in the form of an earthquake struck north-western Turkey on 16 August 1999. The

aftermath and devastation left an estimated 17 000 dead and 30 000 injured. Footage of the earthquake was captured on television in Australia, but showed only part of the tragedy that the Turkish community went through.

On 12 November 1999 a subsequent earthquake struck north-western Turkey, leaving an estimated 374 dead and 1800 injured. As members would know, the electorate of Dandenong North has a large Turkish community, which grieved considerably when this event took place. In my electorate the community rallied with cash donations and food appeals. I remember being at the blood bank and seeing an enormous number of my constituents queuing to give blood to assist in relieving the tragedy.

The Turkish community is new by Australian standards, and most Turks in my electorate arrived only over the past 10 to 15 years. From memory, I believe the first Turkish immigrants to Australia arrived about 20 years ago. The Victorian government has already been supportive in assisting people affected by the earthquake.

I ask the minister to inform the house of any action he will undertake to support the earthquake victims. I emphasise that many of the victims are friends or members of families of people in my electorate, which has a large Turkish community. I ask the minister to give the matter his urgent consideration.

### **Templestowe Bowling Club**

**Mr KOTSIRAS** (Bulleen) — I ask the Minister for Environment and Conservation to look into the rental increase inflicted for no apparent reason on Templestowe Bowling Club, which is in my electorate. I have been advised that the bowling club has 172 members, including 29 who are over the age of 80 years, and that the average age of members is 75 years. The club is struggling to obtain money to renew the roof of the clubhouse and the playing surface of the bowling green. Both projects are urgent and the club estimates they will cost more than \$40 000.

The club recently received an invoice for \$9225 from the Department of Natural Resources and Environment for rent of the land on which the club's bowling green and clubhouse are situated. In previous years the rent has been only \$1348. The increase in the rent charged this year by the department is 540 per cent, or almost seven times the previous amount. Payment of the new amount will place the club in an impossible financial position. It may have to close its doors.

A letter I have received from the club states:

... the annual amount of \$9225 would be much more than our slender finances could afford and would almost certainly mean that this club, catering as it does for the sporting and leisure needs of the 172 people, would face almost certain extinction.

I call on the minister to show some compassion by investigating why there has been such a huge increase and by assisting the club to remain open and continue to meet the needs of its members.

### Priority education training program

**Mr BAILLIEU** (Hawthorn) — I raise with the Minister for Post Compulsory Education, Training and Employment the matter of the priority education training program funding. I ask her as a matter of urgency to release the planning guide and to determine the time lines for tender submissions so that we can avoid the appalling delays that last year led to those tenders being concluded in the week before Christmas, allowing no time for planning or staffing, or for the commercial interests involved.

**Mr Loney** — On a point of order, Mr Speaker, I seek your clarification on the admissibility of items included in adjournment debates, and particularly on the requirement that an item should seek action from a minister.

In an item raised this evening in the adjournment debate by the honourable member for Wantirna action was sought not from a minister but from the honourable members for Gippsland East, Gippsland West and Mildura. The request was that those honourable members join him in attacking the minister. He did not seek an action from a minister, despite the existing rules governing adjournment debates. I suggest the item raised by the honourable member was therefore inadmissible.

**The SPEAKER** — Order! The honourable member for Geelong North raised a point of order indicating that there is a requirement that when members raise matters in the adjournment debate they must seek some form of government action.

That ruling from previous Speakers is maintained in this current Parliament. However, I advise the honourable member for Geelong North that on this particular occasion the Chair specifically heard the honourable member for Wantirna asking the minister to provide additional resources and support for CFA volunteers. Therefore, there is no point of order.

**Mrs Shardey** — On a point of order, Mr Speaker, in his contribution the honourable member for Dandenong North referred to the action already taken in relation to Turkish flood victims — which we all appreciate. He then asked the minister to inform the house of further action he may take; he did not specifically ask the minister to take any further action. I therefore believe that his contribution was out of order.

**The SPEAKER** — Order! According to the notes I have taken, I specifically heard the honourable member for Dandenong North seek further assistance for the Turkish earthquake victims. There is no point of order.

### Responses

**Mr HAERMEYER** (Minister for Police and Emergency Services) — It gives me great pleasure to respond to the submission made by the honourable member for Wantirna who, firstly, asks me to provide additional resources and support to the Country Fire Authority volunteer brigades. I am pleased to inform him that it has actually been done. An amount of \$27.5 million has been granted in addition to the additional support that was provided to the CFA in the budget for training, additional support for volunteer brigades, recruiting, equipment and capital works; it is the biggest single injection of funds ever provided to the CFA in its history.

**Mr Wells** — On a point of order, Mr Speaker, the minister quite clearly did not hear the contents of my contribution. It was about his support in regard to the United Firefighters Union, and giving the volunteers support.

**The SPEAKER** — Order! There is no point of order, and I will not allow the honourable member for Wantirna to repeat his case.

**Mr HAERMEYER** — This support has been widely welcomed by volunteers throughout the Country Fire Authority. The honourable member rightly raises the issue of community support facilitators. What the government sought to do with the CSFs was to enable that position to be restructured in a way that would provide support to more brigades. The new structure breaks that role into two: one is a 100 per cent dedicated community education role, and the other is a brigade support role which enables the sort of brigade support that takes a load off the shoulders of many volunteers. It is to be extended from 59 volunteer brigades to somewhere around 150 volunteer brigades — a virtual tripling of support.

The honourable member for Wantirna seems to be alone on that side of the house because when we

debated the Emergency Management (Amendment) Bill on 30 May this year his neighbour, the honourable member for Knox, said:

A proposal put forward for consideration would involve splitting the role of CSFs — —

**Mr Leigh** — On a point of order, Mr Speaker, the minister is quoting from this session's *Hansard*.

**The SPEAKER** — Order! There is no point of order. The Minister for Police and Emergency Services, in quoting from a document, made reference to *Hansard* from the last session, and he is entitled to quote from it.

*Honourable members interjecting.*

**The SPEAKER** — Order! The honourable member for Mordialloc shall cease interjecting, and the honourable member for Wantirna should show respect while the Chair is standing.

**Mr HAERMEYER** — The honourable member for Knox stated, as reported at page 1947 of *Hansard* of 30 May:

A proposal put forward for consideration would involve splitting the role of the CSFs. I am advised that it would provide an administrative support person for one or two brigades and a community education person to be spread over two or three brigades. That is probably a step in the right direction. It will address the matters raised by the United Firefighters Union (UFU) ...

Is the honourable member for Wantirna accusing the honourable member for Knox of pandering to the UFU? I do not know. To my knowledge he has not been that sort of person in all the years I have been in this house. The honourable member for Knox further states:

... and will allow those brigades currently without a CSF to utilise the services of an administration person ...

He continues:

It looks like being a great step forward.

The honourable member for Knox is at variance with his neighbour, the honourable member for Wantirna. I must say the honourable member for Knox is a lot more in touch with the Country Fire Authority brigades in his electorate than is the honourable member for Wantirna.

**Mr Wells** interjected.

**Mr HAERMEYER** — I'll come to that in a minute. The honourable member for Wantirna is known as a great friend of the CFA so I decided to pay tribute to his

record on this front. Before coming into the house I did a check of *Hansard* to see how many times he had raised matters concerning the CFA or the Country Fire Authority. For the first check I used the acronym 'CFA'.

**Mr Wells** — I've only been the shadow minister for three weeks!

**Mr HAERMEYER** — You've been in this house for eight years!

**The SPEAKER** — Order! I ask the honourable member for Wantirna to cease interjecting across the table and I ask the Minister for Police and Emergency Services to address his remarks through the Chair and not across the table.

**Mr HAERMEYER** — Through you, Sir, I say to the honourable member for Wantirna, 'You've been in this house for eight years!'.

**Mr Wells** interjected.

**The SPEAKER** — Order! I have asked both the honourable member for Wantirna and the Minister for Police and Emergency Services to observe the procedures of the house.

**Mr HAERMEYER** — For eight years the honourable member for Wantirna has represented in this Parliament an area serviced exclusively by the CFA, so I checked his references to the CFA in *Hansard*. However, the answer came back, 'No *Hansard* text matches your query'. I thought perhaps the honourable member had used the longhand term, so I checked the words 'Country Fire Authority'. Again the answer came back 'No *Hansard* text matches your query'.

The honourable member for Wantirna has been in this house for eight years representing an area with I do not know how many Country Fire Authority brigades but not once has he mentioned the CFA. Now he purports to be the shadow Minister for Police and Emergency Services. What an impostor!

The honourable member has neglected the CFA brigades in his electorate. He has never mentioned them in this house. To his credit the honourable member for Knox understands the CFA, and that is why he is reported in *Hansard* as having said:

It looks like being a great step forward.

The honourable member says he has been talking to owners of businesses in Seymour and Benalla. I, too,

have spoken to businesses around Seymour and Benalla, as have the honourable members for Seymour and Benalla. Not one business person has raised the issue raised by the honourable member for Knox. I challenge him to table a statement identifying which small business people in Seymour and Benalla made those statements; otherwise, he is guilty of misleading the house.

**Mr Lupton** — On a point of order, Mr Speaker, the Minister for Police and Emergency Services indicated that I should be making representations in relation to people in Seymour. What the hell is he talking about? I had nothing to do with it!

*Honourable members interjecting.*

**The SPEAKER** — Order! Will the house come to order! The honourable member for Knox has raised a point of order which is clearly not a point of order. I find it frivolous.

**Ms DELAHUNTY** (Minister for Education) — The honourable member for Essendon raised the matter of the Strathmore Secondary College seeking assistance for the establishment of the Victorian space science education centre.

Strathmore Secondary College is an exemplary college. It is one of those colleges that puts public education at the very top of the list. It is recognised for its partnerships with the community and its delivery of a diverse curriculum.

It is a whole-of-government policy to support science, technology and innovation. The government wants to see the community embrace research, innovative development and commercial realisation in new ventures in science, innovation and technology. Through the sorts of programs Strathmore Secondary College is pursuing the state can build a skills base for new technology, engineering and science ventures. For example, the Gene Technology Access Centre is funded by the Science in Schools strategy. Through the Department of Education, Employment and Training it provides more than \$26 million over four years for programs delivering online curriculum resources and professional development to science teachers, and it encourages family participation in those programs. Those are the sorts of programs Strathmore Secondary College is delivering brilliantly.

In connection with this matter, I turn to comments made by the Minister for State and Regional Development when he was discussing the role of science and technology in the development of the state

and the strategic advantages we share, particularly in biotechnology. He said:

Biotechnology is fast becoming a key driver of economic growth and employment — it is the fourth revolution ... Victoria is well placed to take advantage of the biotechnology revolution.

Victoria is well placed to take advantage of many of the developments in science and technology, and the program promoting the sciences that is being mooted by Strathmore Secondary College will advance the whole-of-government policy.

I suggest that Strathmore Secondary College, in partnership with the school of physical sciences at La Trobe University, apply for the Science Partnership program. Applications close on 31 August. That would be the appropriate method for getting the government to support the Victorian space science education centre proposed by the college. It is a great proposal and I would like to help as much as I possibly can.

The honourable member for Burwood raised the matter of support for independent schools in this state, and the threat to them and to public education posed by the misguided state grants legislation of the federal Minister for Education, Training and Youth Affairs, Dr Kemp. When it comes to support for education and the accountability and reporting required of both state and federal governments the bill signals major shifts in emphasis and direction, particularly in the area of commonwealth–state relations, and more pertinent to the member's question, recurrent funding to non-government schools.

The bill strikes at the heart of the collaborative partnership in education between state and federal governments. It not only jeopardises the spirit of mutual cooperation, which is essential if we are to deliver the best quality education possible for students across Australia, but also over time it will fundamentally shift the responsibility for education from the states to the federal Minister for Education, Training and Youth Affairs. Furthermore, the bill proposes to introduce a new model for recurrent funding for non-government schools, which is of concern to the honourable member for Burwood given that he has many independent schools in his electorate. Minister Kemp suggests that this new funding model, known as the SES model, will be equitable, fair and needs based.

I should say that, firstly, it is yet to be fully tested, and secondly, there has been no formal consultation with the states and territories despite the fact that they will deliver the funding. Preliminary work done by the Victorian Department of Education, Employment and

Training suggests that the new model may deliver substantial increases to some non-government schools, but it will do so in an anomalous and completely inconsistent way.

The government has many concerns about the bill. In summary, it is damaging for education not only in Victoria but also for the rest of Australia. It further undermines the provision of public education. Minister Kemp is constantly berating the states about standards and the way they deliver education services, yet he is entrenching in the bill proportionally fewer dollars for government schools. The government rejects that. The bill is fundamentally divisive, because it sets one group of students and parents against another. It is the winners-and-losers model that was rejected by the people of Victoria when they threw the Kennett government out at the last election.

As I said earlier, the bill shifts the major responsibility for the delivery of education from the states to the federal education minister. He or she — it does not matter which — does not even own, run, or fully fund one single school, yet that bill will shift the substantial responsibility for education to the federal minister.

The bill is a fundamental attack on the basis of Federation. We will be celebrating the centenary of Federation next year, and that bill should not be passed. In response to the question asked by the honourable member for Burwood, I can say that the government will be making a submission to the Senate inquiry into the bill and will be rejecting some of its fundamental tenets.

**Ms KOSKY** (Minister for Post Compulsory Education, Training and Employment) — The honourable member for Hawthorn raised a matter concerning the priority education training program tender. I congratulate the honourable member for Hawthorn on his meteoric rise within the ranks of the Liberal Party. I know he promised much, but others thought he needed to learn more about training and higher education.

I am pleased to advise the house that the government has contributed to his education and training in higher education, and it has obviously paid off given the matter he raised for my attention this evening. Upon request, I was pleased to be able to supply him with a free ticket, which provided access to the recent Focus on the Future training conference and dinner. The government provided that free of charge. I thought the honourable member could have used his electoral allowance to attend the conference, but given that he asked for it to be provided free of charge the taxpayer

was happy to contribute to his education so that he could ask some intelligent questions.

The government will be making announcements over the coming weeks about the tender process. It would be good if the honourable member for Hawthorn could raise with the federal minister responsible for training the fact that the federal government is not contributing additional dollars for training over and above what it already contributes and has contributed for the past three years. It intends to provide only the consumer price index increase for training and no further funding for apprenticeships and traineeships for Victoria, despite this state's population and training growth.

The Bracks government has put in an additional \$40 million this financial year for apprenticeships and traineeships. It would be good if the honourable member for Hawthorn could encourage his federal colleague to do likewise and make a similar contribution so that Victoria could grow apprenticeships and traineeships. It would also contribute to the growth of the economy and the individuals who benefit from such a scheme.

I congratulate the honourable member on getting 1 minute to raise his matter. I look forward to further rises by the honourable member for Hawthorn!

**Mr CAMERON** (Minister for Local Government) — The honourable member for Geelong North raised a matter concerning the electoral structure at the City of Greater Geelong. At the moment it has two classes of councillors: regional and ward. The city has made a democratic decision that it wants to go back to ward councillors. That is sensible.

To become a regional councillor in the City of Greater Geelong means that a person has to fight an election that is equivalent to fighting an election across two federal electorates, which is extremely unfair. The person has to be backed by a political party and a business organisation or has to be independently wealthy. People are not thrown up by their communities, which one would normally expect and hope to see in local government. Cr Aitken, who topped the poll, said that system creates bitterness, internal division and politics. The same system applies in the City of Melbourne.

The City of Greater Geelong now needs to move promptly to put the wards in place. The council will have its chief executive officer attend to the matter immediately. Given the problems the existing system has created, there is no doubt the proposed change will

lead to a sensible arrangement that is greatly supported by the people of Geelong because it is much fairer.

**Ms Asher** interjected.

**Mr BATCHELOR** (Minister for Transport) — No, we certainly don't. But if there are a lot of interjections during the adjournment debate it makes it very hard for the government to finish by 11.00 p.m. Our apologies to the Hansard staff, who have been delayed because of the earlier abuses by the opposition.

I have been asked —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Transport should ignore interjections and address his remarks through the Chair.

**Mr BATCHELOR** — The honourable member for Murray Valley asked me about a number of matters associated with the accident black spot program. He referred to the process and the time lines for funding the program.

**Opposition Members** — We can't hear you.

**Mr BATCHELOR** — You'll just have to listen.

The honourable member for Murray Valley referred to the accident black spot program, which is a \$240 million program. It is a one-off safety dividend from the Transport Accident Commission (TAC) to provide funding for black spot treatments right around the state. It will see money going to country Victoria and being spent on local roads.

It is important to understand the dimensions of the blitz, which is the biggest blitz on accident black spots in Australia's history. The previous government was spending about \$4 million a year on state accident black spots, and increasing the funding over this period to up to \$240 million is a massive increase from this one-off safety dividend from the TAC.

As the honourable member for Murray Valley said, there has been an enormous response from the public, local councils and other community organisations that have been invited to nominate accident black spots, existing and potential, in their areas. We have been inundated with nomination forms, which Vicroads will process. The progress of nominations, how they are being treated and their success or otherwise will be reported back to individuals. We hope to put in place through the Vicroads web site a system that will allow

people to follow the progress of sites that have successfully been nominated by them.

We have also established a program advisory committee, which held its first meeting in June. It is a broadly based representative group of organisations throughout the community. It is making recommendations to me to assist me as transport minister in deciding which applications should be successful. The first wave of successful nominations and considerations by the advisory committee will be announced shortly. A significant number of projects around the state will be represented and the information will be made available to all members of Parliament, local councils and the public at large.

I thank honourable members who, following a request from me, distributed the nomination forms in their electorates. The initiative is receiving support from both sides of Parliament, which is very pleasing, although it is disappointing that the previous government did not think of it, so that some of these black spots could have been addressed years ago, potentially saving many lives and preventing countless injuries.

Notwithstanding that fact, the blitz is receiving widespread community support. Members of Parliament from both sides are encouraging organisations and individuals to nominate accident black spots, and I thank all honourable members who have contributed to the process. The government is about getting bipartisan support for road safety and identifying areas the community sees as accident black spots. It is seeking advice from its program advisory committee on the assessment of the many and varied applications that have been received. They will be assessed on the basis of the road safety benefit they bring to the community, and the full details will be made public.

The honourable member for Bennettswood also raised a black spot funding issue about a specific problem on the east side of Stephenson's Road, adjacent to the Mount Waverley Secondary College. He indicated there was a problem of bus queuing and crowding that might be solved by the installation of indented bays on the east side of Stephenson's Road. I assume that either he or the school has organised an application or a nomination. If that has not been done, I suggest he should assist the college to do that. When the application is received it will be processed in accordance with the guidelines and evaluated against the hundreds of applications and considerations the government is receiving from individuals and councils. I will advise the honourable member of the result of the application in due course.

The honourable member for Mordialloc raised the issue of the safety of W-class trams. He wants the government to return those trams to service before it is safe to do so. I give an undertaking to the Melbourne public that the government will not be bullied by the honourable member for Mordialloc to have the trams returned to the system before they are safe.

**Mr Leigh** — On a point of order, Mr Speaker, as the Minister for Transport well knows, I want the trams back safely. I asked when they would be returning and what the cost would be.

**The SPEAKER** — Order! There is no point of order. I find that the honourable member for Mordialloc has raised a frivolous point of order.

**Mr BATCHELOR** — The government will not allow the trams to return to the system until it and the companies concerned are satisfied that the safety requirements have been met. It should be understood that the design of the braking systems of the W-class trams is 70 years old and clearly does not meet current standards. The current and modern standards for trams require three independent braking systems that are not available on W-class trams: disc brakes that would normally be spring applied with hydraulic control, backed up by electro-dynamic brakes and track brakes. The honourable member for Mordialloc is confused by the technical standards.

**Mr Leigh** interjected.

**Mr BATCHELOR** — Despite the interjection from the honourable member for Mordialloc the government will ensure that when the trams return it will be on the understanding of the operators — Yarra Trams and Swanston Trams — that they will operate safely for all people who use Victoria's shared road space. Trams share the road space with cars, trucks and pedestrians, and those matters need to be sorted out. The honourable member for Mordialloc criticised me for taking an industry trip with industry representatives. Included in my delegation was the chief executive officer of Swanston Trams, and together we are trying to work through some of those technical issues.

I can understand the honourable member for Mordialloc being jealous and upset. He receives no invitations, nor does he receive acceptances to invitations that he extends. The honourable member is a sad, lonely, tragic figure waiting for the first acceptance to invitations he sent out 10 months ago. He will wait a long time! The irony is that opposition members — —

**Mr Leigh** — On a point of order, Mr Speaker, I am fascinated with the minister's concept of my diary but like most Melbourne commuters I want to know when the trams will be back.

**The SPEAKER** — Order! There is no point of order. The Minister for Transport, completing his answer.

**Mr BATCHELOR** — The irony is obvious to everyone. Opposition members are attacking the new Labor government for establishing cordial relations with the industry. The government will continue to work closely with it on a range of industry matters, but particularly with Swanston Trams and Yarra Trams on safety issues. It will not be bullied by the likes of the honourable member for Mordialloc.

**Mr PANDAZOPOULOS** (Minister assisting the Premier on Multicultural Affairs) — The honourable member for Dandenong North referred to an important event. One year ago tomorrow, at 3.02 a.m., a massive and devastating earthquake occurred in Turkey, the impact of which is still being felt in that country. All honourable members have people from culturally diverse backgrounds in their electorates, and they are very much aware of incidents on the other side of the world that affect constituents and their families.

The earthquake was one of the biggest the world has seen, with 17 000 dead, 30 000 injured and 300 000 left homeless. It touched the lives of every person, and nearly every Victorian from a Turkish background knew someone who was either killed or injured or who suffered long-term homelessness. The earthquake has cost the Turkish economy billions of dollars.

It was great to see the way the world, including Victoria, responded. It is a shame that the shadow Minister for Multicultural Affairs tried to make a political point in an attempt to have the matter withdrawn from the adjournment debate, but I know that no real harm was intended.

The devastation will have an impact in Turkey for many years to come. Homelessness affects people's livelihoods and a serious range of health consequences occur. When the Bracks government was elected it was surprised to learn that no support had been given, even though it had been requested of the former government, for the victims of the Turkish earthquake. On 12 November last year in the same region another earthquake killed 374 people and injured 1800.

The government decided to offer assistance. It was one of the world's biggest natural disasters and there was a

role for Victoria to play. The government offered \$100 000 to assist the Turkish Earthquake Appeal Committee. I commend the committee because it raised a large sum of money and gained support from the Turkish and business communities in Australia and from other communities, including a person with a Hellenic background. I was pleased that the Greek community was involved in assisting with the fundraising activities.

Victoria's \$100 000 in assistance meant that the committee raised \$200 000 in kind with contributions and fundraising. The government asked the Turkish people about the best way to assist. There was a great deal of material assistance and the response was that the best thing the Victorian government could do was assist with long-term projects. A medical caravan was requested and Victoria provided the funding. The Premier launched the project on 7 August.

I can inform the honourable member for Dandenong North that the government's response has been greatly appreciated by the Turkish community and the Turkish government. The medical caravan is well equipped and includes an operating theatre, a surgery, a kitchen, a toilet, a shower and an electricity generator. The generator will enable the medical caravan to be taken from town to town to provide ongoing community health benefits and support and to enable urgent surgery to be carried out. The caravan is on its way to Turkey and will be arriving soon.

I wish to inform the house that the final effort of the Turkish Earthquake Appeal Committee will be to have a commemoration at 3.02 a.m. tomorrow morning in the vicinity of the Southbank promenade on the Yarra to commemorate the first anniversary of the earthquake. It is a time not only to remember the people of Turkey affected by the earthquake but also to reflect on the contribution that a small country like Australia and a state like Victoria, so far away, can make.

Tomorrow afternoon I will host a function to thank the sponsors and the Turkish Earthquake Appeal Committee on behalf of the people of Victoria for the work they have undertaken, which has been very important. I thank the honourable member for Dandenong North, who has worked with the Turkish community in his electorate. The Turkish community is large not only in the Dandenong region but also in other parts of Melbourne and Victoria.

**Ms GARBUTT** (Minister for Environment and Conservation) — The honourable member for Bulleen raised with me the issue of the increased rent for the Templestowe Bowling Club, which recently received

an account from my department saying that the rent this year would be \$9225 — a considerable increase over previous years.

The government has been very supportive of the sport of lawn bowls. Labor was the first political party in Australia to have a policy on the sport. In fact, the budget contains a boost for lawn bowling and makes an allocation for bowling in schools to cultivate the next generation of bowlers.

I will be happy to investigate the matter raised by the honourable member and will advise the club.

**Ms PIKE** (Minister for Housing) — The honourable member for Seymour referred to the government's commitment to the future redevelopment of the Yea and District Memorial Hospital. I am pleased to inform the house that the government has provided an extra \$1.5 million in the state budget to complete that project. The extra allocation will cover the gap that existed previously, and the \$3.4 million development will now be fully funded. The government's funding will allow the Yea community to have a modern and efficient hospital and aged care facility.

That allocation is part of the government's overall commitment to redeveloping and enhancing aged care services in country Victoria. It has put \$47.5 million into capital redevelopment in both metropolitan and rural areas, but mainly in rural communities, to reinforce its commitment to stop the further privatisation of country hospitals and nursing homes. The funding is helping to upgrade the aged care nursing facilities in the Yea community.

The honourable member for Brighton referred the Premier to his use of the economic report called 'The state of the states — economic rankings June 2000', which identified Victoria as the no. 1 state. The honourable member raised a question about the appropriateness of the Premier's use of the economic report. The report goes to great lengths to explain the methodology used to estimate growth and discusses a whole range of statistical techniques used to evaluate growth and reach the final point of giving Victoria the no. 1 ranking.

The report states:

Whichever way you cut the data —

in other words, whatever way you use the methodology —

the overall picture does not change greatly — Victoria and New South Wales lead the state/territory economic league tables.

They do so within a whole range of criteria: annual growth, unemployment, retail trade, house prices, capital expenditure, building approvals, housing finance and motor vehicle registration. When the statistics for all those areas are compiled, Victoria is clearly no. 1 in the overall ranking.

The opposition wants to constantly prophesy economic doom and gloom under a Bracks Labor government, but the report shows clearly that Victoria is maintaining a strong economic position. By continually raising negative issues the opposition is talking down the state and doing the very thing that is counter to the whole intention of the report, which is to assist in an appreciation of the relative strengths and weaknesses in state and territory economies so that they may be helped with planning, by both business and government. It seems that the opposition is wanting to find some points of failure so it can celebrate that rather than talking up Victoria, enhancing its possibilities and ensuring that Victoria has a strong and robust economy in the future.

The reality is that the document shows that Victoria is in good hands, that the Bracks Labor government has the capacity to manage and has already demonstrated sound financial management credentials.

**The SPEAKER** — Order! The house stands adjourned until tomorrow.

**House adjourned 11.17 p.m.**

