

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-FOURTH PARLIAMENT**

**FIRST SESSION**

**30 August 2000**

**(extract from Book 2)**

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

## Joint Committees

**Drugs and Crime Prevention Committee** — (*Council*): The Honourables B. C. Boardman and S. M. Nguyen. (*Assembly*): Mr Cooper, Mr Jasper, Mr Lupton, Mr Mildenhall and Mr Wynne.

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

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

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

**Law Reform Committee** — (*Council*): The Honourables D. G. Hadden and P. A. Katsambanis. (*Assembly*): Mr Languiller, Ms McCall, Mr McIntosh, Mr Stensholt and Mr Thompson.

**Library Committee** — (*Council*): The Honourables the President, E. C. Carbines, M. T. Luckins, E. J. Powell and C. A. Strong. (*Assembly*): Mr Speaker, Ms Duncan, Mr Languiller, Mrs Peulich and Mr Seitz.

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

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

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

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

*Hansard* — Chief Reporter: Ms C. J. Williams

*Library* — Librarian: Mr B. J. Davidson

*Parliamentary Services* — Secretary: Ms C. M. Haydon

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**FIFTY-FOURTH PARLIAMENT — FIRST SESSION**

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**Deputy Speaker and Chairman of Committees:** Mrs J. M. MADDIGAN

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

**Leader of the Parliamentary Labor Party and Premier:**

The Hon. S. P. BRACKS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier:**

The Hon. J. W. THWAITES

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

The Hon. D. V. NAPHTHINE

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

The Hon. LOUISE ASHER

**Leader of the Parliamentary National Party:**

Mr P. J. RYAN

**Deputy Leader of the Parliamentary National Party:**

Mr B. E. H. STEGGALL

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Leighton, Mr Michael Andrew	Preston	ALP
Allen, Ms Denise Margret <sup>4</sup>	Benalla	ALP	Lenders, Mr John Johannes Joseph	Dandenong North	ALP
Andrianopoulos, Mr Alex	Mill Park	ALP	Lim, Mr Hong Muy	Clayton	ALP
Asher, Ms Louise	Brighton	LP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Ashley, Mr Gordon Wetzel	Bayswater	LP	Loney, Mr Peter James	Geelong North	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	Lupton, Mr Hurtle Reginald, OAM, JP	Knox	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McArthur, Mr Stephen James	Monbulk	LP
Batchelor, Mr Peter	Thomastown	ALP	McCall, Ms Andrea Lea	Frankston	LP
Beattie, Ms Elizabeth Jean	Tullamarine	ALP	McIntosh, Mr Andrew John	Kew	LP
Bracks, Mr Stephen Phillip	Williamstown	ALP	MacLellan, Mr Robert Roy Cameron	Pakenham	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	McNamara, Mr Patrick John <sup>3</sup>	Benalla	NP
Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Cameron, Mr Robert Graham	Bendigo West	ALP	Maughan, Mr Noel John	Rodney	NP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
Clark, Mr Robert William	Box Hill	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Cooper, Mr Robert Fitzgerald	Mornington	LP	Napthine, Dr Denis Vincent	Portland	LP
Davies, Ms Susan Margaret	Gippsland West	Ind	Nardella, Mr Donato Antonio	Melton	ALP
Dean, Dr Robert Logan	Berwick	LP	Overington, Ms Karen Marie	Ballarat West	ALP
Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Ms Mary Elizabeth	Northcote	ALP	Paterson, Mr Alister Irvine	South Barwon	LP
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Doyle, Robert Keith Bennett	Malvern	LP	Peulich, Mrs Inga	Bentleigh	LP
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Fyffe, Mrs Christine Ann	Evelyn	LP	Plowman, Mr Antony Fulton	Benambra	LP
Garbutt, Ms Sherryl Maree	Bundoora	ALP	Richardson, Mr John Ingles	Forest Hill	LP
Gillett, Ms Mary Jane	Werribee	ALP	Robinson, Mr Anthony Gerard Peter	Mitcham	ALP
Haemeyer, Mr André	Yan Yean	ALP	Rowe, Mr Gary James	Cranbourne	LP
Hamilton, Mr Keith Graeme	Morwell	ALP	Ryan, Mr Peter Julian	Gippsland South	NP
Hardman, Mr Benedict Paul	Seymour	ALP	Savage, Mr Russell Irwin	Mildura	Ind
Helper, Mr Jochen	Ripon	ALP	Seitz, Mr George	Keilor	ALP
Holding, Mr Timothy James	Springvale	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar <sup>2</sup>	Burwood	ALP
Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb <sup>1</sup>	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
Kilgour, Mr Donald	Shepparton	NP	Treize, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	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, 30 August 2000**

**The SPEAKER (Hon. Alex Andrianopoulos) took the chair at 9.36 a.m. and read the prayer.**

**PETITIONS**

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

**Preschools: funding**

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

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 Ms ALLEN (Benalla) (203 signatures),  
Mr DIXON (Dromana) (407 signatures) and  
Mr McINTOSH (Kew) (196 signatures)**

**Drugs: supervised injecting facilities**

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 Victorian government must take action to help solve the Victorian drug problem, including 50 000 drug addicts, which is costing the Victorian public \$500 million annually.

Your petitioners therefore pray that the Victorian government will:

1. Stop supporting safe injecting houses which promote illicit drug dependency;
2. Reduce the youth suicide problem by discouraging the use of illicit drugs;
3. Clean out the police force by rewarding whistleblowers; and

4. Toughen up the legal system against drug dealers.

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

**By Mrs PEULICH (Bentleigh) (324 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 SAVAGE (Mildura) (56 signatures)**

**Parliament: constitutional changes**

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 minority Labor government has taken steps to introduce proportional representation to the Victoria upper house of Parliament without a constitutional commission, or consultation with all citizens of Victoria.

Your petitioners therefore pray that the minority Labor government will effectively consult with the citizens of Victoria before making any constitutional changes to the Victorian Parliament.

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

**By Mr SPRY (Bellarine) (67 signatures)**

**Laid on table.**

**Ordered that petition presented by honourable member for Dromana be considered next day on motion of Mr DIXON (Dromana).**

**Ordered that petition presented by honourable member for Mildura be considered next day on motion of Mr SAVAGE (Mildura).**

**Ordered that petition presented by honourable member for Bentleigh be considered next day on motion of Mrs PEULICH (Bentleigh).**

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Auditor-General's office

**Mr LONEY (Geelong North)** presented report on revised audit fees, together with appendices.

Laid on table.

Ordered to be printed.

## PAPER

Laid on table by Clerk:

Auditor-General — Report of the Office for the year 1999–2000.

## MEMBERS STATEMENTS

### Workcover: premiums

**Ms McCALL (Frankston)** — The issue I would like to raise this morning relates to businesses within my electorate and along the Mornington Peninsula. They have recently been hit by absolutely devastating Workcover premium increases. I recently conducted a poll across the electorate to determine the enormity of some of these increases. The minimum increase was in the region of 53 per cent and the maximum was 216 per cent. These businesses, particularly those recording the largest premium increases, have no claims experience; they are small businesses that are seeking to increase their opportunities across the peninsula. The people running the businesses have made it quite clear that as a result of the premium increases there will be no apprenticeships and no traineeships and that many of their current staff will be reduced to working part time instead of maintaining full-time work. This is bad news for the peninsula, and shame on this government!

### Food: genetic modification

**Mr LENDERS (Dandenong North)** — I have before me a petition signed by some 25 000 citizens of Victoria, including a large number of people in my electorate of Dandenong North, calling on the Minister for Health to ban genetically modified foods. Members would be aware that this is an issue of growing importance in our community and that it was recently discussed at a health ministers conference. The need for comprehensive labelling of genetically modified foods so consumers can make informed choices is a growing issue in my electorate and in many others. The issues of

choice, safety and economic benefit are at the forefront of the minds of people who make these choices.

I welcome the statement of the Minister for Health that the first concern for this government is that genetically modified foods must be allowed only when it is proven that they present no health risk to the community. This is an important and growing issue of consumer choice and safety.

I congratulate the health minister on his stand in New Zealand and I look forward to an ongoing debate on this issue, which is very important in my electorate.

### Petrol: prices

**Mr MAUGHAN (Rodney)** — I draw the attention of the house to the fact that petrol prices in country Victoria have now broken through the \$1 per litre barrier, with unleaded petrol selling for 101 cents per litre in Echuca today and even higher prices in other parts of country Victoria.

Country Victorians do not have access to the public transport system as do people in the metropolitan area. They are completely reliant on motor cars for their business, social, educational and medical needs. The recent significant increase in petrol prices impacts to a much greater degree on those living in country Victoria. The longstanding concern and irritation in country Victoria is about the gap between city and country prices, which is usually in the order of 10 cents a litre and sometimes up to as much as 12 cents a litre. The main reason for that unacceptable differential is the huge amount of wholesale discounting that takes place exclusively in the metropolitan area, which country Victoria misses out on.

It is time for the government to honour its commitment of an even better deal for country Victoria by introducing terminal gate pricing to address the longstanding discrimination against country Victorians.

### Uniting Church Outreach Centre

**Ms OVERINGTON (Ballarat West)** — Last Friday I had the privilege of launching a video entitled *The Way Back*. As a welfare worker, I had the great privilege of working alongside Peter Cranage and the other staff in the alcohol and drug team at the Uniting Church Outreach Centre. Peter Cranage from Outreach drove that project with his typical enthusiasm and a 100 per cent commitment to making a difference to people's lives. Peter worked hard on that project, and I know his efforts were matched by the other members of the Outreach team. I wish to acknowledge Frank Russell from the university who made the equipment

available and Allan Kealy and Frank Neilson who both gave their expertise and time voluntarily over many months.

*The Way Back* is an educational video designed for use in secondary schools as a teaching aide in welfare courses. It shows drug users and members of their families telling their stories in a plain and honest way. Part of the reason the video was developed is that the range of material previously available was outdated or presented in an artificial way. The video explores real experiences; the people in the video are not actors — they are real people. The hope and pain they share are real, and sometimes they are uncomfortably real. The people who appear in the video have shown enormous courage in providing an insight into their lives. We owe them a debt of gratitude for their contributions.

We must do everything we can as a community to help young people make the best decisions possible about their lives. We are all aware that we must provide services to help those — —

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

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

**Mrs PEULICH** (Bentleigh) — I received a letter with an accompanying petition with 1375 signatures, but unfortunately the petition did not have the prescribed preamble and could not be tabled in the correct way in Parliament.

However, I have been asked by the Drug Advisory Council of Australia to read the accompanying letter to ensure that the sentiments of the petition are made known to Parliament. The letter addressed to me states:

Re petition objecting to the opening of heroin injecting rooms in Victoria

A petition was recently commenced to enable Victorians to voice their objection to the opening of heroin injecting rooms in Victoria:

We the undersigned object to the opening of heroin injecting rooms in Victoria. Instead we call on the government to urgently provide sufficient treatment facilities for detoxification and rehabilitation; anti-drug education for schools and community; increased law enforcement; drug diversion courts; and increased federal surveillance of drugs entering Australia.

This petition is now in circulation and petitions are still being signed —

and I am advised that 1375 signatures have been received —

Copies of the petition have been sent to ... the Leader of the Opposition ... the Leader of the National Party ... the member for Mildura ... the member for East Gippsland ... the Minister for Health ... the shadow Minister for Health ... the member for Bentleigh —

and my colleague the Honourable John Ross, a member for Higinbotham Province in the other place —

The concerned petitioners call on the government to take immediate action to provide urgently needed services to reduce drug-related deaths.

The letter is signed by Isobel Gawler.

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

### **Member for Monash Province: pecuniary interests**

**Mr HOLDING** (Springvale) — Parliament should be informed when, if ever, the Honourable Peter Katsambanis, a member for Monash Province in the other place, intends to disclose his two shareholdings in Telstra of 600 and 333 shares respectively acquired on 25 November 1997, given that he has now had almost three years to do so. Why did he not declare those shares in the summary of returns tabled in October 1998 or the summary of returns tabled in 1999 — —

**Ms Asher** — On a point of order, Mr Speaker, any impugning of members of either house must be done by way of substantive motion. I ask you, Mr Speaker, to rule the honourable member for Springvale out of order.

**Mr Brumby** — On the point of order, Mr Speaker, honourable members are well aware of the standing orders of this place. A member shall not impugn another member other than by substantive motion. I listened carefully to the words and expressions used by the honourable member for Springvale this morning. He has merely relayed to the house the facts of another member's failure to declare shareholdings in Telstra, shares that were purchased in 1997. I have heard no accusations of improper behaviour, merely a statement of fact that a member has failed to comply with the requirements of the house.

**Mr Leigh** — On the point of order, Mr Speaker, on numerous occasions when I have placed substantial facts before the house about Labor members of Parliament, the Labor Party has sought to have those facts ruled out. On that basis I ask that you, Mr Speaker, make the same ruling today as you have made in the past.

**Mr Cooper** — On the point of order, Mr Speaker, the Minister for State and Regional Development referred to standing order 108, but he did not quote it in its entirety :

No member shall use offensive or unbecoming words in reference to any member of the house and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

It was quite clear from the way the honourable member for Springvale framed his words that he was making a personal reflection on a member in the other place. Predecessors of yours, Mr Speaker, have made numerous rulings on this matter. I refer the house to rulings by Speaker Edmunds on 18 August 1983; Speaker Coghill on 27 October 1988 and 24 November 1988; and Deputy Speaker McGrath on 30 March 1994, who said that imputations against members of either house can be made only through a substantive motion and not by debate.

Further rulings were made by Speaker Edmunds on 27 October 1983; Speaker Delzoppo on 1 June 1995; Acting Speaker Richardson on 1 June 1995; and Acting Speaker Cooper on 2 June 1995, who again ruled that imputations against members may be made only by substantive motion. Honourable members have seen that situation yesterday and today in this house. It is clear from the words used by the honourable member for Springvale that he was impugning the motives of and reflecting on the Honourable Peter Katsambanis in the other place.

If the honourable member for Springvale wishes to proceed with that kind of attack on a member of the other house, options are available to him. Mr Speaker, as you advised the house yesterday on two or three occasions, where members want to draw the attention of the house to the activities or behaviour of another member or a minister, it may be done by way of substantive motion. It is clear that the honourable member for Springvale is embarking on that path.

As the Deputy Leader of the Opposition has rightly claimed, Sir, you should rule the contribution of the honourable member for Springvale out of order and advise him that at the appropriate moment in the proceedings of the house he can move a substantive motion along the lines of what he wishes to do against the Honourable Peter Katsambanis.

**Mr HOLDING** — On the point of order, Mr Speaker, my understanding is that I am neither able to reflect on the motives of nor make a personal reflection on a member of this place. I was merely stating that the Honourable Peter Katsambanis holds

600 shares in Telstra and 333 shares in Telstra which he acquired on 25 November 19 — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the opposition frontbenchers to cease interjecting. The honourable member for Springvale is entitled to be heard on the point of order. However, I ask him not to use the point of order to restate his case but to restrict his questions to the point of order that has been raised.

**Mr HOLDING** — By stating those facts as they were, I was not making a reflection but merely stating the facts and posing certain questions which the honourable member is entitled to take up in the other chamber.

**The SPEAKER** — Order! Standing order 108 states:

No member shall use offensive or unbecoming words in reference to any member of the house and all imputations of improper motives and all personal reflections on members shall be deemed disorderly.

It is a very clear and straightforward standing order. As the honourable member for Mornington has so eloquently put before the house, there are numerous previous rulings by Speakers that members must not reflect upon or impugn other members in their contributions to the house.

The honourable member for Springvale must not infringe standing order 108 in his contribution and I will sit him down forthwith if he in any way infringes it. However, he is entitled to put information before the house, keeping in mind that he must not be in breach of standing order 108 about impugning other members of Parliament.

**Mr HOLDING** — Thank you, Sir. The government is also entitled to be informed that when the Honourable Ken Smith intended to disclose his directorship in — —

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

## SCHOOLS: LITERACY AND NUMERACY

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

That this house notes that in National Literacy Week the Minister for Education is giving priority to social policy

agenda issues at the expense of benchmarking initiatives that will serve to bolster Victoria's literacy and numeracy standards.

**Mr HONEYWOOD** (Warrantyte) — As I am sure all honourable members are aware, this week is National Literacy Week. It is therefore of vital importance that all in the house understand the meaning of the terms 'to be literate' or 'literacy'. Although many people associate literacy with the key personal development building block skills of reading and writing, surely to be truly literate in any language an individual needs also to be able to comprehend. To highlight the key learning competency involved with comprehension, honourable members need only look at the role model provided to Victorian students over the past one week alone by the Minister for Education.

I would like to offer three examples of the Minister for Education acting as a literacy role model. At the start of last week the minister read — but obviously failed to comprehend — her own department's freedom of information material. She informed both 3AW and 3LO Melbourne breakfast listeners that her department had a longstanding lease on an apartment adjacent to the Park Hyatt hotel complex. She said the apartment was often used by visiting education experts from interstate. Many of the more literate members of the Victorian community were well aware, however, that documents released by the minister herself clearly showed that the apartment in question had been specifically found for the minister's hand-picked consultant, Ms Lyndsay Connors.

That failure of comprehension on the eve of National Literacy Week had unfortunate consequences for the minister. By the end of the day she was required to admit she had not read her own department's documents properly — documents that showed the apartment had been found specifically for Ms Connors rather than as part of a longstanding lease arrangement.

The second key example of literacy competency provided in the past week by the minister as role model was when she informed Neil Mitchell that she was aware of only one consultancy in her department. Yesterday she was forced to explain to the house that she was wrong again, because she had failed a key building block of learning when she did not comprehend that there were not one but a whole range of consultancies. She then attempted to show she was numerate by arguing that her department had, to date, spent less than \$1 million on consultancies. In fact, however, several million dollars have been spent by her as minister on reviews and the like, as she declared only yesterday.

A week ago the minister argued that she was aware of only one consultancy. She had obviously failed to read the list of consultancies held by her department. She had a list of previous consultancies to hand but had failed to read — or comprehend — the list of consultancies that she had instigated herself. That list has now come to light. In the next few weeks we will find some interesting examples of those consultancies. Some involve very interesting friends of the Labor Party.

My third example of the Minister for Education failing to provide a good role model for all Victorians in National Literacy Week comes from an incident that occurred only yesterday. She argued that she was reading only one page when, by any measure of numeracy, and as indicated on video footage, she was reading — —

**Mr Hardman** interjected.

**The DEPUTY SPEAKER** — Order! The matter of public importance raised by the opposition is a broad-ranging matter relating to literacy and numeracy standards. It is not, however, an opportunity for members of the opposition to attack the Minister for Education constantly on issues that have nothing to do with literacy and numeracy standards. Placing the word 'literacy' or the word 'numeracy' into a sentence does not necessarily make that sentence relevant to this debate. The debate is broad ranging, but it must remain within the confines of the words provided by the opposition. I ask the shadow minister to remain within those boundaries.

**Mr HONEYWOOD** — Thank you, Madam Deputy Speaker. I accept your guidance.

In summary, we can say that the vocabulary of the Minister for Education got a bit foggy when it came to the word 'document' — meaning the document from which she was attempting to read and which she was attempting to comprehend. Honourable members, citizens of Victoria and the young people of the state deserve better than this from an education minister. As members of Parliament we are entitled to expect that the minister will tell the truth. The people of Victoria have a further right — namely, that the minister will set a high standard and act as a role model for literacy.

**Mr Nardella** — On a point of order, Madam Deputy Speaker, the honourable member is again straying from the motion he put to the house. He is debating the character of the minister, not discussing either literacy or National Literacy Week. I ask you to bring him back to the motion before the house.

**Mr HONEYWOOD** — On the point of order, Madam Deputy Speaker, I am about to come to one of the key issues, a ministerial conference of all state ministers for education in which Victoria was the only state that did not agree to compulsory numeracy and literacy testing at the start of year 7. I am attempting to highlight the fact that the Minister for Education should be a role model for literacy benchmarking. As part of my introductory remarks I attempted to explain that the Minister for Education has not provided a role model in the lead-up to that ministerial conference.

**The DEPUTY SPEAKER** — Order! I have heard enough. I uphold the point of order. I ask the opposition spokesman to get onto the matter of the literacy conference, if that is what he wishes to speak to. He has been speaking for some time on matters that are passing comments only.

**Mr HONEYWOOD** — In summary, Madam Deputy Speaker, in National Literacy Week the minister sets a terrible example. She can read but she cannot understand. That is obvious.

In April of this year there was a national conference of all state and territory education ministers in which every other minister for education agreed that all year 7 students should be required to sit a nationally benchmarked exam in literacy and numeracy. A chart provided by that conference reveals that New South Wales, a Labor state, has agreed to have all its year 7 students examined in literacy and numeracy from 1999 onwards — as has Queensland, another Labor state. Western Australia will examine all students for literacy from 2001 and for numeracy from 2002.

That is an agreement they have with the federal minister. It was agreed that all year 7 students be examined for literacy and numeracy in South Australia from 2001; Tasmania from this year; the Northern Territory from 2001; and the Australian Capital Territory from 1999.

In April 2000, Victoria alone announced that it would not fulfil the national benchmark requirements, and in National Literacy Week the opposition has the right to ask why. After all its rhetoric about the previous government's years of underfunding of education, would you not think the Labor government would want to show the people of Victoria that year 7 students had somehow suffered in their primary schooling in those years? If it were to prove the claim rather than use rhetoric, would you not think a Labor government would ensure each year 7 student was appropriately tested?

The problem is that two Marys run education in Victoria. The other Mary, Mary Bluett, the Australian Education Union (AEU) union leader, does not want Victorian school teachers to be judged against their peers. She does not want underperforming schools, particularly in the western and northern suburbs of Melbourne, to be compared with schools in the same socioeconomic area that happen to perform outstandingly well because of the quality of their teachers.

What is the current government afraid of? Why did it say no to full testing of year 7 students in literacy and numeracy? If Mary Bluett had her way, the LAP tests initiated by the previous government for all years 3 and 5 students would be cancelled. However, the Minister for Education has not yet been game to get rid of those tests.

The previous government allocated over \$100 million to the Keys to Life program for early one-on-one intervention by specialist literacy and numeracy teachers. Students with learning difficulties, particularly primary students, could be withdrawn to ensure learning in key competencies improved. Instead of that, the current government is content to spread money like confetti across every school to lower class sizes. Every teacher will inform you, Madam Deputy Speaker, that one-on-one assistance, such as that provided by the Keys to Life program is needed to ensure a child with a literacy or numeracy problem improves.

There is no point in providing money to decrease class sizes for prep to grade 2 — the promise was that it be a maximum of 21 but it is now an average of 21 students — for a competent class when it comes to the key learning areas of literacy and numeracy.

In National Literacy Week the Minister for Education is more content to concentrate on matters such as the Get Wise Drug Kit, which includes in the opening paragraph of the text the words 'throughout history the taking of drugs has been normal human behaviour'. A sexuality kit is being prepared for schools — which the honourable member for Glen Waverley will refer to — that asks students in Victorian classrooms whether they have ever considered having sex with somebody of the same sex, and if not why not.

A Monash University survey approved by the minister's department requires eight-year-olds to note whether they have ever thought of committing suicide or whether their mothers or fathers loved them and showed warm and loving emotions toward them.

Again, eight-year-olds in a number of schools, including Footscray Primary School, were required to write personal letters of apology to Aborigines on National Sorry Day apologising for what they, as non-indigenous Australians, had done to the indigenous Australians of this country.

In addition to sexuality kits, letters of apology to Aborigines or suicide surveys, there is also a situation in which compulsory school sport is about to be abolished by the government — —

*Honourable members interjecting.*

**Mr HONEYWOOD** — The government has the luxury of making policy on the run. The Labor Party did not expect to be in government — —

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

**Mr KILGOUR** (Shepparton) — It gives me great pleasure to talk on this matter of public importance. I do not think there is anything more important than talking about the literacy and numeracy of our schoolchildren and their capacity to grow up into lives which will give them opportunities to compete in the important business world.

As the honourable member for Warrandyte has pointed out, members on this side of the house have some concerns about the social agenda being implemented by the Labor government. We need to be careful about the direction in which it is heading.

It is appropriate to look at the value of literacy in our schools during National Literacy Week. Literacy and numeracy are two of the most important issues we can look at today. Their importance cannot be overestimated — although it appears that the Minister for Education has a problem with numeracy and understanding whether she is reading from one or two pieces of paper in Parliament.

Under the previous coalition government we saw a great improvement in the system. That government took over the incredible maintenance backlog of \$670 million, which it had to address to provide decent facilities for our schoolchildren.

I visit schools in my electorate at least every week and as I drive around I look with pride at the condition of those schools today.

**Ms Allan** interjected.

**Mr KILGOUR** — I wonder whether the honourable member for Bendigo East does not know. I invite her to have a look at the schools in my electorate. They are in fantastic condition. However, that was not so when the previous coalition government came to office. I inspected the rotting buildings and saw paintwork coming off walls and leaking roofs. Victorian schools were 14 years behind in cyclic maintenance. It took millions of dollars to rectify that situation. It was money that the previous Labour government should have put back into classrooms, but the coalition government had to do what was necessary because it inherited education facilities that were absolutely substandard.

Eventually the coalition government was able almost to catch up on the backlog and to introduce some wonderful programs that our children have benefited from. I commend the work put in by a previous Minister for Education, the Honourable Don Hayward, on the Keys to Life program. He had an absolute fetish with the need to ensure that in those early years our children were able to keep up, because some children unfortunately come into the education system without the benefit of an understanding of literacy and numeracy that some parents provide at home before their children start school.

Unfortunately some children are behind the eight ball, so to speak, when they first go to school compared with other children who have been given a better opportunity at home to understand literacy. The Keys to Life program was a fantastic success.

I have been heavily involved with the Guthrie Street Primary School in Shepparton, where last Friday night I officially opened a wonderful new multipurpose facility. When I attended the school's art show last week I looked around with pride at what the school had achieved in partnership with the former government to support the literacy programs we had. I have no doubt the standard of education at that school is second to none because of the work put in by the previous coalition government.

But that does not happen in all schools and with all children. I particularly support the honourable member for Warrandyte in suggesting that a national program that tests the students coming into year 7 will provide a much better opportunity to assess where those students might be heading in the future. It would be of great advantage to have a benchmark test that will ensure that students who are behind can receive the necessary support to enable them to compete in the business world at the appropriate time.

The reading recovery program has gone a long way towards achieving that objective. I have seen the magnificent work carried out in schools by parents as they help with reading recovery. Last week I attended a celebration of Book Week at a school. As the honourable member for Seymour would understand, being a former school teacher, it is vital that children be given the opportunity to learn to read books. Even the teaching of nursery rhymes is important.

Honourable members might recall being taught nursery rhymes. One of the favourites was 'Mary had a little lamb'. In my electorate Mary did have a lamb — in fact it was a big lamb, Robert Lamb, who was the regional manager of education. He was the best regional manager we had had for years in the north-east region. But what happened to Mary's lamb in the north-east? Mary sacked him! He was the man who was prepared to stand up and say, 'We need to improve our literacy standards in the north-east region. We need to ensure that we are all Sunsmart schools and that teachers have an opportunity to gain personal development'. The teaching arrangements did improve in the schools.

However, Robert Lamb was sacked. It is an absolute disgrace that the north-east region no longer has in the position of regional manager a man of that ability to raise the standards of our education community.

It is unfortunate that we see those sorts of actions. When the previous coalition government gained office its members saw that the region's schools were being run by the administrative committee, which had a majority of union representation. We said that the principal is the person in charge of the school and the principal will run that school with the support of the school council. We saw the school councils come to an understanding that we needed to improve our literacy and numeracy standards. We needed to have benchmarks. LAP — learning assessment program — testing was introduced in grades 3 and 5, and I believe it should be extended to year 7 so that children coming into secondary school who might have fallen through a gap in the system will have an opportunity to reach the class average.

For various reasons students fall through the system and when they get to secondary school they are not as literate as they should be. I have a tremendous regard for Victorian school teachers, who are dedicated to the cause and do far more than could be expected of them to ensure the success of their students. It is unfortunate, however, that some teachers do not take the care others do. Therefore we need to ensure that when they go to secondary college they are benchmarked against other students in their class and across Victoria. One of the

concerns about LAP testing was expressed by the union, which was concerned that the testing might show up some of the teachers who did not ensure that their students reach the standards they need to reach.

My issue with that is that if teachers in the system are not up to scratch they should be found out. One of the easiest ways to do that is to check on the abilities of their students. If students are found wanting their teachers can be encouraged towards professional development to ensure they are able to lift not only their own teaching standards but also the standards of the students under their control.

My daughter teaches children with disabilities, including those with autism. I talk to her at length about raising standards, and she is desperately trying to do that with the children under her control. It is hard, and I am proud of the work she does with children with autism and their families. Working with families includes trying to help them understand that their children need a standard of literacy and numeracy that will help them, despite their autism.

I support the motion moved by the honourable member for Warrandyte, who has a great understanding of the needs of the community. Like me, he is horrified at the social agenda put forward by the Bracks government.

**Ms DELAHUNTY** (Minister for Education) — During National Literacy Week I am delighted to speak on this matter of public importance. The Labor Party was elected on a strong commitment to education. Since its first days in government it has moved to deliver on its explicit commitments to revitalise education in Victoria. After seven years of neglect and dissension it is not possible for the government to repair overnight the damage to the school system and the culture of education wrought by the former government, because the former government's culture fostered competition and division rather than cooperation. However, the government has done exceptionally well and has more to deliver.

A proper analysis of the government's achievements to date and its social policy must be considered in the light of the scorched-earth policies inflicted on education by the former government. The record is clear. According to the national school grants commission, expenditure per student was 5.4 per cent below the Australian average — and Victoria was the worst state. According to figures supplied by the Department of Employment, Education and Training, in 1999 the average class size for prep to grade 6 students was 25.4.

The student–teacher ratios are evidence of the neglect of education by the former government, which is why the people of Victoria voted it out of government. Australian Bureau of Statistics figures show that in Victorian primary schools the student–teacher ratio was 17 to 2 — that is, 1.4 per cent worse than the Australian average; and that in secondary schools the ratio was 12 to 6 — that is, 1.8 per cent worse than the Australian average. Alarm bells were ringing throughout the state over retention rates. Under the former Labor government Victoria led the nation in keeping students at school to complete their education and training, but under the former Kennett government retention rates for year 12 fell alarmingly. Many students did not leave school to enter a job, they left school to stand in the unemployment queues. That situation is unfair, and the Bracks government has committed itself to redressing it.

The Labor government has a proud, social policy agenda and a commitment to standards. It wants the best education it can offer to Victorian children, regardless of where they attend school. In partnership with the Victorian community the government is committed to a world-class education for all students. It has an absolute commitment to the highest possible literacy and numeracy standards.

I turn now to national benchmarks. The government has endorsed national benchmarks for reading, writing, spelling and numeracy for years 3, 5 and 7. The benchmarks have been incorporated into the curriculum and standards framework (CSF). Some weeks ago the government introduced the achievement improvement monitor, which aims to provide teachers, schools and parents with comprehensive advice on testing, reporting and homework. Its introduction received a positive reaction from the school community, and more broadly from the people of Victoria. The key is improvement, whereas under the former government it was to test and forget. Whatever deficiencies were uncovered by testing nothing was done to assist students found to be reading at below the national benchmarks.

I will run through the five-point plan under the achievement improvement monitor to impress on the house the government's commitment to the highest possible standards for all students in the Victorian education system.

The achievement improvement monitor is a five-point plan. Firstly, it respects and is guided by the classroom assessment — that is, the teacher's own assessment of how the student is performing. Secondly, it deals with the need to ingrain in our young students the habit of homework and, particularly when it comes to literacy

and numeracy, to encourage them to read regularly at home after school — so long as that is balanced with their other commitments, be they social or sporting. Thirdly, we have a commitment to reporting to parents in a comprehensive, timely and comprehensible manner so they understand how their children are doing. Fourthly, the government is committed to testing in years 3 and 5 and sample testing in year 7. The fifth point of this improvement monitor is then to provide — —

**Mr Smith** — On a point of order, Madam Deputy Speaker, the minister is again obviously reading from a lengthy document — and I have been able to see that. In the time-honoured tradition of the house, will the minister make the whole document available to the house?

**The DEPUTY SPEAKER** — Order! I ask the minister whether she is quoting from a document or using notes.

**Ms DELAHUNTY** — I am using notes.

**The DEPUTY SPEAKER** — Order! The minister is using notes. I do not uphold the point of order.

**Mrs Peulich** interjected.

**The DEPUTY SPEAKER** — Order! The honourable member for Bentleigh should try to control herself. Her interjections are far too frequent.

**Ms DELAHUNTY** — The last point of the five-point plan for the improvement achievement monitor is the improvement index. The government has provided \$15 million so that any deficiencies uncovered by the assessment and reporting can be attended to. We will not test and forget, as the last government did. The Bracks government discovered that 13.8 per cent of year 3 Victorian students were not reading at or above the national benchmark. The \$15 million will be used to assess those students. The last government did nothing about those issues.

The government has agreed to introduce sample testing at year 7. That is an achievement that the previous government could not do. The 1998 meeting of the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) agreed that literacy and numeracy benchmarks be developed for year 7 during 1998. The Kennett government was in power then, yet nothing was done to introduce testing for year 7. However, the Bracks Labor government has introduced it.

**Mr Honeywood** interjected.

**Ms DELAHUNTY** — The Bracks Labor government has introduced it.

**Mr Smith** — On a point of order, Madam Deputy Speaker, I have been observing the minister carefully and she is definitely reading from a document. To save her any further embarrassment I suggest she obtain and have installed an autocue!

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

**Ms DELAHUNTY** — They do not like hearing the truth! The fact is that the Kennett government said that it had agreed at the 1998 MCEETYA meeting to introduce testing for year 7 during that year, but it did not do so. I understand the then senior education minister was also at the MCEETYA meeting.

The Bracks Labor government has introduced sample testing in year 7 — something the last government could never achieve. That will allow the government to fulfil its obligations under the MCEETYA agreement so it will be able to provide nationally comparable data. It is interesting to note that any school that wishes to test in year 7 will be able to do so. The government is making available \$15 million for the achievement improvement monitor.

The government has also put in place support measures for Victorian teachers. It believes professional development is one of the most crucial elements in supporting teachers. If we want the best education that can be provided we have to support teachers. They are asked to deliver an ever-changing curriculum and to cope with increasing demands. What did the previous government do to support teachers?

**Mr Honeywood** interjected.

**Ms DELAHUNTY** — The honourable member for Warrandyte is on the record as calling teachers ‘those from the reject pool’ — so no support from him.

**Mr Honeywood** — On a point of order, Madam Deputy Speaker, I am on the record as pointing out that certain teachers are not being assessed on their performance. For the minister to say I said all teachers are from a reject pool is another perversion of the truth — the fourth by this minister in one week. It is about time she recognised that she should be a role model for truth rather than constantly perverting the truth and being a compulsive liar!

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! I remind the honourable member for Warrandyte that it is not appropriate for him to call the Minister for Education a liar across the table. All honourable members here know what standing order 108 says — they had it read to them only half an hour ago. I ask honourable members to keep the words of that standing order in mind. As the Speaker pointed out earlier, they are quite clear. I ask all honourable members to concentrate on the content of the matter of public importance and leave out personal and unnecessary reflections.

**Ms DELAHUNTY** — Under this government the Department of Education, Employment and Training has revised its teaching support materials to assist in particular the new CSFII. That will be implemented, as the house knows, in all the key areas. Information on learning activities, assessment ideas and resources for all areas will be published in October 2000 under the title ‘curriculum@work’. Every teacher will be given a CD-ROM containing those easily accessible materials.

In conclusion, National Literacy Week is celebrated both in Victoria and around the country. Commonwealth funding of \$192 000 was matched by state funding, ensuring the holding of major literacy week events in Victoria from 3 to 10 September, incorporating International Literacy Day on 8 September. Schools across the state have received two National Literacy Week implementation kits, which include more than 100 ideas for staging National Literacy Week celebrations, stickers, red balloons and information for parents, which is most important.

Another major event, the Let’s Read Expo, will be held between 8 and 10 September and is expected to attract more than 10 000 visitors. Parents are particularly concerned to ensure young students have the best possible access to literacy and numeracy support. It is a three-day event that has been designed specifically to strengthen the all-important partnership between home, school and community.

In relation to literacy, and in particular the availability of good literacy support materials for both parents and teachers, the event includes a program of seminars for parents and the general public, performances by schools, interactive displays, reading relays, writing marathons and classroom demonstrations.

The government is serious about literacy.

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

**Mr DIXON (Dromana)** — I cannot help but contrast this year’s National Literacy Week with last

year's, which I launched with Garry Lyon at the Flagstaff Gardens. That was done in the context of great things happening in our schools and there was a real high about it: things were happening and it was right on the agenda. It was set in an atmosphere of focusing on and exploring new frontiers in literacy in our schools and celebrating all the great things that were happening in our schools.

In contrast, this year's National Literacy Week has rolled around and the attitude seems to be 'It's literacy week, therefore we must celebrate it'. It is being done in a different context. A whole lot of other distractions, including the many reviews being conducted, the brochures being distributed and the social agendas being addressed, are taking over rather than the focus being on the core things in education, which are literacy and numeracy. They seem to be on the side and they are not being celebrated in a meaningful way. That contrast stands out this year.

I take exception on my own behalf and that of the teachers in our schools to the Minister for Education constantly saying that the previous government tested and forgot. It is really underselling the teachers in our schools to say that they tested the children in years 3 and 5 and just then just forgot about it and did nothing. Every school I went to or was involved in, whether it was my children's school or the schools in my electorate or across Victoria, the testing was not done for no reason. It was followed up. After the teachers saw the results, they compared their schools with other schools and classes. They knew where to go because they knew their benchmark. They knew the areas where the classes were not doing so well and where they should put in more resources. It is an absolute slight on our teaching community to say that teachers tested and forgot about it. To politicise it by saying it is something the former government did totally undersells the competency of our teachers.

Everyone recognises that schools need to be benchmarked and accountable. They should be accountable to the children, the parents of the children and the wider community. They should be accountable to the parents especially in numeracy and literacy because that is the core reason for parents entrusting their children to schools. They expect a first-class literacy and numeracy education from the schools. In many cases they invest a lot of money in their children's education, in school fees or everyday activities, and therefore schools need to be accountable to them. They also invest a lot of time in their children's education by helping in the Keys to Life program and the various reading programs and through the committees of the schools. Therefore the schools

and the education system generally owe them accountability. Parents also have very high expectations of schools. They recognise that the teachers in the schools are experts and that is why they send their children to school for education in partnership with them.

Schools also need to be accountable to the general community. On behalf of taxpayers, governments spend billions of dollars on our schools because of their importance to our community. Therefore the general community wants to know that that money is spent wisely and that real education is happening, that it is being measured and improved on — not that teachers are testing to forget but that something is happening.

Schools also need to be accountable to our children, who go along to school — probably begrudgingly at times — and trust that their teachers and schools are doing the right thing by them. As children move through secondary schools they think more deeply about their education and they have higher expectations of the education system, especially of their teachers.

The key question is: what can benchmarking show? It is not an end in itself. When the former government introduced learning assessment program testing it was very hard to communicate that concept of benchmarking and being accountable.

I was a school practitioner then. I was a bureaucrat in the catholic system and it was my job to work with local schools and talk with them. We asked each other, 'Why are we doing this? Is it just so that we can receive government funding or just something that is an end in itself?'. I have noticed that over the years the concept of benchmarking has grown. That is because now we have benchmarks, longitudinal or cumulative testing results and some good data, which is important.

Good teachers know if children are learning — there is not a problem about that. If they have good evaluation practices in their classrooms, they know when a child is moving on, gaining new knowledge and improving. But it is important for teachers and schools to be able to compare what is happening and for parents to know how their child's school compares with a similar school in a similar socioeconomic area. People might think their children are improving — but improving compared to what? The standard may be below a similar school in a similar area. They might be improving, but they may have a long way to go.

It takes a while to build up the necessary data for such comparisons to be made. A comparison of schools on opposite sides of town with totally different

socioeconomic and ethnic backgrounds is not a good comparison and there is no educational basis to it. Any real educationalist knows that comparison of like classes with like classes and like schools with like schools is very valuable.

Benchmarking is important for picking up long-term trends. Determining where a child started and where he or she is going depends on looking at long-term trends across a continuum of a number of grade levels, not just years 3 and 5. The benchmarking should be continuing into year 7 so that a very good and concise picture is built up of where a child is travelling in its education.

Long-term trends in schools need to be picked up. It must be established whether an area in a junior, middle or senior school might have a dip in results. If that is constantly happening, it is a valuable piece of information for the school principal, the school council and for the teachers if they are honest with themselves. They must acknowledge that they are not doing something well educationally in a particular area. If the importance of benchmarking holds for years 3 and 5, as the government now agrees, it also holds for year 7. One cannot compare year 3 with year 5 with year 7 if in year 7 only sample testing is done. It does not hold up educationally.

Some wonderful results have been achieved from the testing at years 3 and 5. The long-term trends that are emerging must continue right through secondary education. It is now understood how crucial the middle years of schooling, from years 5 to 8, are for a child's future education. There are real dips or a plateauing out in those middle school years, so information at year 7 is absolutely crucial, and it should be the same as that available from testing at years 3 and 5.

Long-term trends that can be plotted now through benchmarking over the years provide very valuable information for schools and for teachers of specific subjects and areas of expertise. If testing is done in the core areas of literacy and numeracy trends can be picked up. Testing is also being done in science and other key learning areas and it shows which areas within a school are perhaps underdone and which need more resourcing and future planning.

The most important thing to recognise about benchmarking is that it is not an end in itself; it is used as a basis for good future educational planning. An honest school, an honest teacher and a good educationalist will look at the results and say, 'This is the benchmark now. This is where we need to go. This is what we need to put into our school'. The focus must be not just on resources, but professional development,

a learning environment and a total school commitment. They are the important inputs into education, not just money. When you have information about where your children are, you can plan for the future.

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

**Mr VINEY** (Frankston East) — I am happy to join this extraordinarily timely debate on a matter of public importance — that is, literacy and, in particular, numeracy. Numeracy, particularly counting, is a very important skill for many politicians — and was important to me in my former capacity as a pollster.

**An honourable member** interjected.

**Mr VINEY** — I am told by interjection that a great deal of counting is going on on the other side, particularly numeracy studies — a great deal of head counting. The Victorian community has expressed its view in the form of a numeracy test in today's *Australian*, which is why the head counting is going on on the other side of the chamber. They are doing lots of counting because today's *Australian* shows that on the subject of the preferred Premier there is a 66 point gap between the opposition leader — —

**Mrs Shardey** — On a point of order, Mr Acting Speaker, it is clear from what we are hearing that the honourable member is not confining his remarks to the debate at hand but is debating a wide range of issues, which he understands very clearly. I would like you, Mr Acting Speaker, to draw him back to the debate at hand.

**Mr Mildenhall** — On the point of order, Mr Acting Speaker, I observed the lead speaker for the opposition carefully and in his 20 minute contribution he spent the first 12 minutes talking about consultancies and avoided the subject of the matter of public importance, so the precedent has been established for a very wide-ranging debate this morning.

I trust that you, Sir, will apply the same standard to the honourable member for Frankston East as was applied to the honourable member for Warrandyte.

**Mrs Peulich** — On the point of order, Mr Acting Speaker, you, as a man with a substantial number of years of experience in the Chair, know full well that the lead speaker has a broader brief and the ability to canvass a broader range of issues than do subsequent speakers. Our lead speaker, the shadow Minister for Education, the honourable member for Warrandyte, was attempting — I think he did so successfully — to point out that the Minister for Education has no

educational agenda and that the void has been filled with a very nebulous social agenda. The point was very well made. It certainly does not therefore somehow make relevant the comments currently being made by the honourable member for Frankston East.

**Mr Pandazopoulos** — On the point of order, Mr Acting Speaker, the honourable member for Frankston East was barely 30 seconds into his contribution, introducing a theme of how the numeracy one learns during one's education can be used in a wide way. He was barely into his speech, had only just introduced the subject matter — obviously it is a sensitive subject for the opposition — and should be given the opportunity to continue. He has 10 minutes to speak on the matter and should be allowed some leeway in his introduction.

**The ACTING SPEAKER (Mr Seitz)** — Order! The issue before the Chair, which was raised by the honourable member for Caulfield, is that the honourable member for Frankston East was not addressing himself to the substantive motion before the house. I believe that when he was interrupted he was making only a passing remark leading into his speech, which is allowed. The introductory remarks of the lead speaker for the opposition were wide ranging, I therefore rule there is no point of order at this point. However, I remind the honourable member for Frankston East that he should make only a passing remark when leading into the main topic.

**Mr VINEY** — Thank you, Mr Acting Speaker. I was making a passing reference that went to my own experience in matters of numeracy, because as a pollster for this side of politics for six years I had to conduct a considerable number of polls. However, I have never seen a poll as bad for one side as the poll in today's *Australian*, in which the Leader of the Opposition scored a preferred Premier rating of 8 — there was a 66 point gap between his rating and the Premier's rating.

The opposition has spent a fair bit of time in this debate talking about the importance of testing. I think we can all agree that testing is a very important part of the education system. We all need to apply ourselves to testing, and as the minister mentioned earlier in her address, the government has invested a considerable amount of additional resources in testing.

According to Saturday's *Age* the opposition underwent its own learning assessment project (LAP) test. The *Age* said all members of the opposition had undergone performance reviews and had failed on a whole series of matters.

**The ACTING SPEAKER (Mr Seitz)** — Order! I ask the honourable member for Frankston East to come back to the subject before the Chair.

**Mr VINEY** — Testing is critical. As the Minister for Education said, the previous government's policy was to test and forget. In fact its policies in government were worse than 'test and forget'; they were 'test and sell', because if something failed the solution was to privatise it. If there was a failure in the education system the previous government flogged it off. It got rid of it rather than dealing with the problem. It did not invest in the education system the way this government is doing. This government has invested \$257 million in additional funding in this budget alone. The previous government's solution to testing was to test, bury the results and sell off the system.

Other contributors spoke about the supposed decaying system the previous government claimed it inherited. Its solution was to close schools that were not meeting standards and flog them off, too. This government is investing in the education system. It does not just want classrooms empty of teachers and overcrowded with children. The government is investing in additional resources that will make a difference to the literacy and numeracy performance of Victoria's education system. There was absolute silence from members of the previous government during seven years of cuts, flogging off, selling, privatisation and general neglect of the education system.

Saturday's *Age* reported that some opposition members apparently confirmed during their LAP test interviews this was the first time their opinion had been sought. Why did they not express their views to the Premier and the Minister for Education of the day? They were gagged during the election campaign and they had been silent for the previous seven years.

**Mrs Shardey** — On a point of order, Mr Acting Speaker, the honourable member for Frankston East is straying quite broadly from the matter of public importance. He is drawing a long bow, which does not reach the guts of the motion and I ask you to bring him back to it.

**The ACTING SPEAKER (Mr Seitz)** — Order! I have heard enough on the point of order, which I uphold. I ask the honourable member for Frankston East to come back to the motion.

**Mr VINEY** — The government is investing in education. The previous government cut 8000 teachers out of the system. Average class sizes in primary schools rose to 25.4 and class sizes in secondary

schools increased by 1.8 children. That was the previous government's record. Its members sat mute, and they admitted it in Saturday's *Age*. Four of them have said they will retire at the next election as a result of their LAP test, and the Victorian community will make sure there are a few more. Their complete failure to do anything for the education system and the needs of schoolchildren in literacy and numeracy into the future has been exposed. Their mute performance will stand them condemned forever.

**Mrs PEULICH** (Bentleigh) — That was the most pathetic contribution I have witnessed in this house. The honourable member took up his entire 10-minute contribution without making any reference to the matter under consideration. It is a matter that the Speaker agreed was of public importance. The honourable member made no contribution on the topic, and the schools and communities in the Frankston East electorate should be bitterly disappointed. He has been shown to be ill informed, irrelevant and not to care about the key educational issues of literacy and numeracy. As a pollster he has failed to deliver what the community thinks is critically important.

The matter of public importance is important. Since the government took office there has been an absolute void where there ought to be a clear and developed education agenda. There is a huge black void. The most symbolic action the Minister for Education has taken was her announcement that condom-vending machines should be available to school communities. That is what she thought was a critical educational issue.

As the shadow education spokesman pointed out, the minister has busied herself filling the education agenda void with a range of social policy issues. She does not have an education agenda and the most appalling confession of that was her answer to a Dorothy Dixier from a member of the government benches about literacy yesterday. The entire focus of the minister's response was about capital works — bricks and mortar. What an absolutely appalling confession! The Minister for Education has found herself repeatedly in strife because of her personal style.

The Minister for Education has a knack for turning a good news story into a bad news story. We know she has been reprimanded by the government's media advisers; we know she has been told to pull her head in. The minister is a public relations walking disaster. I am sure her junior minister, the Minister for Post Compulsory Education, Training and Employment, is waiting anxiously to see her fail.

However, the saddest part of it all is that the minister is enjoying the lap of luxury, the fruits of office and power. She enjoys putting members of the opposition in the position where they have to grovel to be able to gain access to resources for their school communities. She was the most vitriolic critic of abuse of power when she was in opposition. But the most appalling characteristic of the Minister for Education is her absolute lack of appreciation of the truth. She is a recidivist. She tells only half the truth. She twists the truth, which is why she invites trouble at every opportunity.

*Honourable members interjecting.*

**The ACTING SPEAKER (Mr Seitz)** — Order! I ask the government benches to cease interjecting.

**Mr Hardman** — On a point of order, Mr Acting Speaker, the honourable member is straying a long way from the debate on the matter of public importance. I know debate on a matter of public importance can be wide ranging and sometimes unclear, but the honourable member should be brought back to the debate.

**Mrs PEULICH** — On the point of order, Mr Acting Speaker, I have no intention of continuing with that particular theme, but as part of my broad introduction I intend to return to the substance of the issue.

**The ACTING SPEAKER (Mr Seitz)** — Order! There is no point of order. I asked the government benches to cease interjecting so that the honourable member for Bentleigh would not be distracted and would come back to the matter before the Chair.

**Mrs PEULICH** — Benchmarking initiatives are indicators of performance that can be gathered at various levels: at the individual student level, the classroom level, the school level, the regional level, the state level, the national level, and certainly the international level. I am a member of the all-party Family and Community Development Committee. Members of that committee know about the globalisation of markets, and the revolutionary effects of multimedia and technology mean that we have a responsibility as public policy makers to ensure that our students and communities are well prepared for that revolutionary change.

The opposition is interested in establishing benchmarks so that our communities will be better served and public policy decisions can be deliberated on effectively. We are about quality through accountability. That is in stark contrast with the Labor government, which is about destroying systems of accountability when in office,

and it is more than happy to try to dismantle and remove the systems of accountability put in place by the previous government. The most important reform introduced by the former coalition government that was never acknowledged — in fact, the Labor Party opposed it — was the introduction of Schools of the Future program.

*Honourable members interjecting.*

**Mrs PEULICH** — Government members laugh, but the document they commissioned — and for which they paid much money — endorses that particular direction. They are not interested in learning about the importance of Schools of the Future as a concept.

**Mr Holding** interjected.

**Mrs PEULICH** — Every school is now a school of the future, including all the schools in Springvale, because the initiatives the previous government introduced have become mainstream. They involve the setting of local goals to meet the needs of individual communities as well as broader state goals. The initiative involves schools reporting annually and being triennially reviewed on performance. Those important systems of accountability allow for a genuine improvement in performance. Our children are far too important to leave their education to luck, prayer or an ad hoc system. We must have a comprehensive system of accountability.

When the previous government introduced learning assessment project (LAP) testing for years 3 and 5, the Labor Party opposed it. The honourable member for Footscray opposed it, but parents wanted it. As a teacher in the government system for 14 years I believed I had a responsibility as a faculty head to report to parents on various aspects of their children's performances. That may be done through individual testing, diagnostics testing, standardised testing, assessment of essays and prose, short-answer questions and problem solving. Every professional teacher should welcome opportunities for benchmarking, comparing performance and helping individual students because it allows for performance standards to be met and improved on so that children can maximise their opportunities. By introducing only sample testing for year 7, the Minister for Education has shown that she is backing away from accountability.

We have heard many catchphrases being used by the minister, who is more about style than substance. She is good at delivering the script — she talks about partnerships, improvements, homework and other rigmarole, but they are just words. The document,

which we know was prepared by the consultant who earned much money, states that she consulted with only a handful of schools out of the 1600 government schools in Victoria and a handful of parents, but not a single employer was involved in the process or made any submissions.

What sort of blueprint is that for the future? What sort of blueprint is that for education in Victoria? It shows an appalling failure by this government and this minister, and an appalling waste of money. It is interesting that the document endorses many of the directions of the former government, but it lacks substance — the sort of substance Mark Latham, a federal member, talked about in an interview on *Meet the Press* on 11 June. He is courageous because he cares about state education. The record of the interview states:

... I think you need a national effort at all levels of government to improve the quality of teaching. But the big thing for the teacher unions is this: you'll never have a well-paid, well-regarded teaching profession unless they adopt the professional standards.

Later on he states:

... they are paid for performance, scrutiny of efforts in the classroom, and an understanding that they need to constantly upgrade their professional development and training. So you don't get professional levels of pay unless you've got professional standards.

Nothing less is good enough for our children and our government schools. If those people are genuinely committed to government schools, they will — —

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

**Mr MILDENHALL** (Footscray) — It is a pleasure to join this debate with its rather unusually worded motion. It purports to focus on one issue but has provided the opposition with a vehicle for another personal attack on a minister.

I will address my initial remarks to the matter of consultancies as raised by the shadow Minister for Education. In times past I have taken a great interest in some of the education consultancies put together by the previous government. One that comes to mind is a Kennett government consultancy that can serve as an equivalent to the Connors consultancy now being criticised by members of the opposition. Both were direction-setting consultancies charged with developing reports. The Kennett version of the Connors-type report was the Byrne Fleming report. That consultancy cost about half a million dollars.

I looked at the tender details to see how that consultancy was won. Apparently the successful tenderer had the best understanding of the brief. Why did it have the best understanding? Because it wrote the brief! Fleming got an initial \$10 000 to write up the brief.

Unfortunately, however, the successful tenderers were South African mining engineers who had never done any work in Australia or any work in education anywhere. The program was so successful — —

**Mr Honeywood** — On a point of order, Mr Acting Speaker, debate on this matter of public importance has been confined so far to the issues of literacy and numeracy. Constant points of order were raised during my contribution to the debate, even though it related only to the literacy and numeracy initiatives of the Minister for Education. I do not see the connection between consultancies — as dwelt upon by the honourable member for Footscray but not raised in any other contribution so far — and literacy or numeracy.

Given that this week is National Literacy Week and that the motion concerns literacy and numeracy initiatives, I put it to you, Mr Acting Speaker, that the honourable member for Footscray has strayed a long way from the topic and is debating a different matter.

**Mr MILDENHALL** — On the point of order, Mr Acting Speaker, the lead speaker for the opposition took 12 minutes to get to the issue of literacy and numeracy. He engaged in debate about consultancies, among other things, before he got around to the point. I am less than 2 minutes into my contribution and am taking the opportunity to respond on the matter of consultancies. I believe that is more than reasonable.

**The ACTING SPEAKER (Mr Plowman)** — Order! I do not uphold the point of order by the honourable member for Warrandyte. I believe the point just made by the honourable member for Footscray is correct — namely, that he has been speaking for only 2 minutes and that the issue of consultancies has been mentioned by other members in this debate. I will not allow the debate to continue in that area, but I do not uphold the point of order.

**Mr MILDENHALL** — My concluding comment on the matter is that the consultancy was so successful that 17 full-time staff had to be seconded to the department for three weeks to rewrite the report — the quality of the consultancy was appalling!

All honourable members know about the Donnelly consultancy, which is still the subject of an investigation by the Auditor-General. The shadow

Minister for Education, as a member of the former cabinet, is in the worst possible position to lecture anybody on the matter of supervision of consultancies or on standards for engagement of consultants.

In raising the matter before the house the shadow Minister for Education is attempting to criticise the government for some of its policy initiatives. He refers to the Get Wise drug kit and the Catching On kit and says that they are outrageous examples of social policy being pursued at the expense of the essential components of literacy and numeracy. It comes as no surprise to members on this side of the house to learn that both of those initiatives were developed by the previous government. They were Kennett government initiatives! The ideas, the prose and the questionnaires referred to came from those initiatives.

**Mr Pandazopoulos** — What hypocrisy!

**Mr MILDENHALL** — Yes, the hypocrisy is absolutely extraordinary.

I wish to address remarks made by the honourable member for Shepparton, who speaks of literacy and bleats about Robert Lamb, of ‘Mary had a little Lamb’ fame. The level of thuggery in the senior administration of the previous government’s departments still amazes me. Robert Lamb went to Benalla Secondary College and said, ‘Unless you close a campus or a school you will never see capital works money again’. Is that the way to run education? That act characterises the approach of the former government’s education administration. That government closed 320 schools and ripped the heart and the resources out of the teaching service. What an extraordinary effort!

Apart from privatisation, bureaucratic thuggery and reductions in resources, one of their obsessions was with testing. The folks from around Robert Lamb’s way told me one day, ‘We are really worried about the resources in our school and the materials our teachers have to work with. All the money is going on testing’. They said that even the National Party should know that no matter how many times you weigh the cow, it does not make it any fatter. You have to give it food and look after it, not just weigh it all the time. Yet the Liberal Party has that obsession with testing.

The critical difference between the previous government and this government is that we are paying attention to the ‘so whats’ and doing something about the ‘what ifs’ — ‘The testing turns up some problems, so what? What if problems are found?’. The government is putting in the money and the resources to address the weaknesses.

The opposition complains that the government is doing only sample testing for year 7. In 1998, the opposition declared it would implement sample testing but wasted the \$4 million that was allocated in the budget for years for that purpose. It has taken this government to introduce it.

Sample testing can provide a richness and depth of information. It can work out the reasons for failures and the sorts of schools and school populations that need attention so something can be done. We do not just go around weighing and measuring people; we support and help them. We nurture the educational growth of our young people.

It ill behoves the opposition to lecture the government on literacy and numeracy when the measures and resources that are needed — smaller class sizes and targeted programs to assist young people who are struggling — are now being provided. We are walking the talk, whereas the previous government tested until the cows came home but did nothing. It set about pursuing its ideological obsession with privatisation, competition and benchmarking that meant nothing at the individual or school level.

The government already has a proud history in education, and I look forward to the remainder of the term as the commitments we have made deliver the goods to the Victorian community.

**Mr WILSON** (Bennettswood) — I am pleased to join the debate on the matter of public importance. All members would agree that the education of our children is of paramount importance. The community has an obligation to ensure that its children have the benefit of an education system that prepares them for life.

It is therefore essential that as members of Parliament we measure the performance of the current government, and in particular the Minister for Education, to satisfy ourselves that our children have the benefit of the highest standards and the best curriculum.

There is no doubt that since the change of government the emphasis on educational priorities has changed. My constituents constantly remind me that one of the first initiatives of the Minister for Education was to re-open the debate on condom-vending machines in Victorian schools.

In researching this matter yesterday I was staggered by the text of a press clipping of 25 October 1999 from the *Herald Sun*, which states:

Condom-vending machines will be allowed in high schools for the first time under the new Labor government.

Education Minister Mary Delahunty does not support the former government's blanket ban on the machines and will allow school communities to exercise their own judgment.

'My view is that's a decision to be made by the school community', she told the *Herald Sun* in her first interview as education minister.

'In some school communities, that would not be appropriate, in some I think it would be an excellent idea'.

What a great start in what is possibly the most important portfolio in government!

Honourable members will be aware that the former coalition government placed great emphasis on literacy and numeracy standards and strongly supported the concept of statewide testing that gave parents, teachers, students and schools information about student achievement levels in relation to statewide curriculum standards.

The learning assessment project (LAP) tests provided valuable information that helped teachers improve the curriculum and identify students' strengths and weaknesses. The same tests also gave the former Department of Education information about schools that were performing well and schools that were underachieving. That information is vital to an education system that aims to provide the best standards and the best chances for our children.

The challenge for the government and the minister can be summarised as follows. Firstly, schools must be accountable, and rigorous standards must be set and met. Secondly, the focus in education should be on providing quality and additionally targeted resources.

The legacy of the Cain–Kirner administrations was a crisis in Victoria's education system. Those of us who can recall those years — probably every member of the house — will remember that the Cain–Kirner years delivered a dramatic decline in standards, in public confidence, and in the physical fabric of our schools, as well as an overemphasis on social policy issues at the expense of the core curriculum. My fear is that we are about to see a replay of the failed Cain–Kirner education ideology.

The tasks for the minister and the government are simple. A good education system is cemented in a commitment to excellence that can be achieved only if we get the basics, such as reading, writing, spelling and numeracy, right. That is the goal of the Liberal Party and should be the basic goal of governments of all political persuasions. On the issue of the government

turning its attention to social policy at the expense of core curriculum, I warn the government that it is walking on thin ice.

The shadow Minister for Education touched on some of those issues in his contribution earlier today. Parents do not want political and social ideologies imposed on their children while they are at school. In the area of drugs and sexuality and related health matters, parents do not want the social debate in schools to be captured by political purity and correctness. Such issues have to be dealt with professionally and with sensitivity. The social biases of the government and the department must not be allowed to permeate the crucial curriculum that is so important for our children's future.

In conclusion, I shall restate the two goals the government should pursue. Firstly, schools should be accountable. Rigorous standards should be set and met. Secondly, the focus should be on the provision of quality education and additional targeted resources. Those goals should be the minister's goals.

**Mr HARDMAN** (Seymour) — It is a pleasure to have the chance to debate this matter of public importance relating to education. Education is my passion, and I do not often get the opportunity to talk about it.

I take up the concluding remarks of the honourable member for Bennettswood about what should be happening with benchmarks. I was pleased to hear him say that targeted resources should be coming from benchmark and literacy tests and put into schools. The government has earmarked \$15 million over three years to help schools do that. It is great to see the honourable member for Bennettswood supporting the government's policies.

One of the primary schools in my electorate, Whittlesea Primary School, received an award during National Literacy Week. I congratulate the school on its achievement.

Turning to another facet of education, I observed the Eltham East Primary School band performing in Queens Hall last night. I listened to the tunes that were played and recognised them from my own experience as a music specialist in rural schools. The students were wonderful, and I am sure they will cherish last night's experience for a long time.

Students in rural schools at Ruffey, Longwood, Moorilim and Avenel used to have the same opportunity to be taught by a trained music specialist as the students from Eltham East. Unfortunately the black hand of the former Kennett government came down

and abolished shared specialist teachers from the rural school system. Even students living in what were once National and Liberal party electorates do not have that opportunity anymore.

The opposition is in no position to criticise the Minister for Education, because she is doing a great job in education. The minister is passionate about providing decent education for all students in Victorian schools. That has been seen on a number of occasions. For example, when schools in my electorate had problems with fires being lit by an arsonist, the minister's compassion was shown in getting those schools back up and running quickly. Even if the variety of circumstances did not fit the rule book, the minister was able to assist. She was concerned for the communities and anxious to get the children back into the learning environment as quickly as possible. I commend the minister for doing a fantastic job.

The claim that the minister is giving priority to social policy agenda issues at the expense of benchmarking initiatives is a contradiction. Everything done in schools is about social policy agendas; education policy cannot be separated from social policy agenda. The previous government was about social policy agenda in every single thing it implemented in schools.

The assumption that benchmarking, which I assume is meant by the opposition to be testing and placing students on a continuum according to their performance, is not part of a social policy agenda is flawed. Benchmarking is part of a social policy agenda to improve the standards and lives of students and identify where we are going wrong with the education system.

Also flawed is the notion that Victorian standards will be raised by simply benchmarking and testing literacy and numeracy. That has been talked about by honourable members from both sides of the house. The issue is not simply about benchmarking and testing. It is about using those initiatives, taking into account a whole host of factors and deciding how schools should use the data to improve the standards in our schools.

We know from research into education and developmental and learning psychology that a number of factors must be taken into consideration when deciding on improvements and methods to assist children to learn. I remember the hierarchy theory from my own education training. It peaked at the top of the triangle. Down at the bottom it had the basics: a home to live in, security and love. All those elements have to exist before children can go to the next step of learning. Benchmarking and testing will point out in which

socioeconomic areas we are lacking and where the government needs to make improvements.

The opposition correctly believes smaller class sizes averaging 21 or 22 students is a social policy agenda — it is about improving literacy and numeracy standards and about giving teachers and students a chance to do something with the knowledge they gain from benchmarking. Teachers have time to make decisions about the best program for each child to enable that child to reach his or her full potential. That is a real social policy agenda. As the honourable member for Footscray said, the programs being criticised by the opposition as being too progressive started to develop under the former Kennett government.

Other social policy agendas implemented by the government include a funding increase of \$10 million for students with special needs. The money will not go all the way to providing the best possible learning outcomes for those students, but it will go to students who need it.

The appointment of student welfare officers in secondary colleges is a further social policy agenda. Because of funding cuts implemented by the former government, schools were unable to provide welfare coordinators. Students will be helped by having a person to go to for advice and assistance to enable them to continue their studies. A student cannot learn if he or she is worried about a drug problem or is being beaten or abused by an alcoholic father or a sexual deviant. A student needs assistance to overcome problems of that kind. I challenge anyone to disagree!

Strategies to combat bullying have received great support throughout the community. I received good feedback from teachers and parents who participated in a professional development course on those strategies. It was surprising because although I was not trying to elicit any response, people came up to me and said how wonderful the programs were. That is great because after spending 11 years in the service I know not all programs produce such good results.

Other initiatives developed under the former government, including notebook computers for teachers and technical support initiatives, have been brought forward by the Bracks government to enable all teachers to have notebooks by March 2001 if they so choose.

I turn now to benchmarking initiatives and debunk the myth created by this debate that the *Curriculum Standards Framework II* (CSF II) started under the former government as a review of the original CSF. I

studied the framework before I was elected, and the current benchmark is an improvement. The government is working on providing teaching support materials, and the CSF is about making teachers more accountable.

Year 7 testing will happen in 2001, and I refer to the \$15 million allocated to assist teachers to use the data for learning improvement. There is no point in testing students if the data is not used to improve their learning.

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

**Mr KOTSIRAS (Bulleen)** — I have pleasure in speaking on the motion moved by the honourable member for Warrandyte, who was an excellent Minister for Tertiary Education and Training and who is now doing a wonderful job as shadow Minister for Education.

Everyone would agree that Victoria needs an excellent education system. It is interesting to note that when speaking during debate on the Education Act (Amendment) Bill in April 1999 the current Minister for Education, the then shadow minister, said that she trusted honourable members did not intend to play politics with her children. The irony of that statement is that it is exactly what she is doing now.

There are many excellent education establishments in my electorate of Bulleen. Administration staff, teachers and students work well together to provide a good education system. However, I fear that will disappear under the Labor government. Victoria is returning to the 80s, a time when children were guinea pigs of the social experiments of the then Labor government. It was the ALP education policy that made me join the Liberal Party.

I believe education is about getting down to the basics such as reading, writing, spelling and numeracy. It is all about educational standards and outcomes. The Labor Party is all about social engineering — brainwashing students to follow its political agenda. ALP policy is about mass producing students to one educational level; it is not about promoting personal and intellectual growth.

A 1986 draft policy of a Northcote school headed 'The use of standardised tests' reads:

These may be used to help teachers group children within their classes in the curriculum areas of reading, mathematics and spelling. The use of these assessment instruments should be limited, and the 'norms' associated with these tests not used as goals to be attained, nor to make comparisons with attainments of peers.

The government's policy is a policy of one model fits all. The lowest common denominator is good enough and it knows best. The 1980s was a time when teacher unions decided what happened in the education department.

An article from the school council information sheet of 1987 about restructuring of the then Department of Education states:

Late in 1985 the Minister for Education announced the government's intention to abolish the education department and to create the Ministry of Education. The Ministry Structure project team was established to report to the government on a structure that would enable the devolution of functions and authority to schools and regions ...

The government adopted certain key recommendations from this report, and the Ministry Structures Unit was formed to implement these recommendations. The unit is assisted by the Ministry Structures Advisory Group, which is made up of four representatives of the Ministry of Education, one from each of the Victorian Federation of State School Parents Clubs and the Victoria Council of School Organisations, four representatives of the Teachers Federation of Victoria and two from the Victorian Public Service Association.

You do not have to be a genius with numbers to note the percentage of committee members who were associated with the teacher unions. That is exactly what is happening today: the government is returning Victoria to the 1980s rather than looking to the future. It is teaching our children about rights and privileges, not responsibilities. It encourages holistic notions rather than educational fundamentals.

What are some of the government's social policy agenda issues? Primary schoolchildren as young as eight years of age have been required to write personal letters of apology to Aboriginals regarding the stolen generations.

An article in the *Victorian School News* states:

The Koori Education Development Unit (KEDU) ... suggest a number of strategies in course advice that explores Koori identity, stolen generation and reconciliation.

One strategy involves asking students to draw their family at home, including valued items such as pets and computers. The teacher could then start telling the story of stolen children and, while walking around the room, tear away part of each student's drawing.

A student could then talk about how they felt about their valuable work being ripped apart — how would they feel being ripped from their family, away from their favourite things.

KEDU curriculum project office ... said this was an in-your-face activity.

'We wanted to write a unit that didn't avoid the topic', he said.

The second social conditioning was a drug resource kit called Get Wise. Although I support a good educational program that outlines the problems with drug use, I believe it was insulting for the minister to use words such as 'terrific' to describe drug taking. The current minister allowed her left-wing social values to overshadow the launch of the educational resource. In fact, the *Herald Sun* report states:

Education minister Mary Delahunty admitted yesterday to having smoked drugs ... 'I can remember the early days of journalism when you were on something terrific and I wanted some of it'.

It was disgraceful and inappropriate for the minister, who should be seen as a role model, to announce a new resource kit to fight drugs at the same time as saying that illegal drugs are terrific.

Labor's third social policy agenda item was the suicide survey.

**Ms Campbell** — On a point of order, Mr Acting Speaker, the honourable member is casting aspersions on the Minister for Education. He is attributing remarks to her that were not made on that occasion, and I ask him to withdraw them.

**Mr Richardson** — On the point of order, Mr Acting Speaker, you would be aware — although the Minister for Community Services appears not to be — that the well-established procedure in this place is that exception can be taken only by — —

**Ms Campbell** — It is misleading.

**Mr Richardson** — Just get back under your rock!

**Ms Campbell** — It is misleading.

**Mr Richardson** — Exception can be taken only by the honourable member who is the person named. Therefore it is inappropriate for the Minister for Community Services to require the honourable member for Bulleen to withdraw a remark not made about her. There is no point of order.

**Mr Lenders** — On the point of order, Mr Acting Speaker, earlier this morning, when the honourable member for Springvale allegedly impugned the Honourable Peter Katsambanis in another place, Mr Speaker ruled that standing order 108 applied. In that instance the honourable member who was allegedly impugned was not here to defend himself, yet as I said, Mr Speaker ruled that standing order 108 applied.

**The ACTING SPEAKER (Mr Plowman)** — Order! I have heard sufficient on the point of order. There is no point of order. An individual who is reputed to have been impugned has to respond to the accusation made. Therefore I do not uphold the point of order.

**Mr Loney** — On a further point of order, Mr Acting Speaker — —

**The ACTING SPEAKER (Mr Plowman)** — Order! So long as it is a different point of order and not a continuation of the previous point of order.

**Mr Loney** — No, it is a new point of order. In the past couple of minutes the honourable member for Bulleen has provided a number of quotes, which he has attributed to the Minister for Education. I ask him to provide the source of those quotes, as is the practice in this house.

**The ACTING SPEAKER (Mr Plowman)** — Order! Is the honourable member for Bulleen prepared to table the quotes that were attributed to the minister?

**Mr KOTSIRAS** — I am, Mr Acting Speaker.

**The ACTING SPEAKER (Mr Plowman)** — Order! The honourable member is prepared to table those quotes, and I accept that.

**Mr KOTSIRAS** — The Labor Party wants to achieve an education system that has no depth, no new ideas, no creativity, no standards and no outcomes. Education will be shaped by a single all-embracing political ideology. This Labor minister has a lot for which to answer to the next generation of Victorians.

**Mr LONEY** (Geelong North) — I begin by stating my most immediate point of difference with the opposition members who have spoken today. I believe that Victorian state schools are great schools and that Victorian state school teachers are great teachers. Government members support that point of view. We are here to support state education, unlike those on the opposition side, who continue to criticise and denigrate it. Schools in the Geelong North electorate provide a terrific education for the local community. They serve it well, providing a level of education that is at least equal to that provided anywhere else in the state or indeed nationally.

I shall give the house an example. I recently launched the VCE prospectus of the Corio Community College. The prospectus, which was put together for the information of parents and students, is a great piece of work. It contains all the information that could possibly be needed by a prospective student or a family that is

deciding which school the student should go to. It outlines clearly the breadth of the curriculum available at the school. Underlining that document is the unspoken commitment of the education community of the Corio Community College to the local community and the education of its young people. The first point, therefore, is that Victorian schools are indeed great schools.

Secondly, I was disappointed when I saw the subject of today's discussion of a matter of public importance. I would have thought a shadow education minister who was serious about trying to advance the cause of education in Victoria would talk about some of the current education issues rather than picking a subject purely for the purpose of political point scoring.

I would have thought that if the shadow Minister for Education were considering what is going on in education today and wanted to bring something into the house for debate, then this morning we could be having a debate about the policies of the commonwealth education minister, Dr Kemp, who is one of the extremely regressive forces in Australian education today. Dr Kemp is pursuing federal policies which, if implemented, would see the further entrenchment of privilege and inequity in the Victorian education system and in other systems across the country. That is a social policy issue we should be considering this morning. The commonwealth action or changed approach will mean that one school in my electorate, Geelong Grammar School, will receive an extra \$1 million in funding.

*Honourable members interjecting.*

**Mr LONEY** — At the same time, Corio Community College, which recently had the misfortune to have its hall burn down, will suffer a reduction in what it gets from the commonwealth! So one school will get \$1 million extra — —

**Mr Honeywood** interjected.

**Mr LONEY** — It is interesting that the shadow Minister for Education is yelling in support of the commonwealth policy.

**Mr Honeywood** interjected.

**Mr LONEY** — I make it clear that the shadow Minister for Education is yelling in support of that discriminatory policy!

**Mr Honeywood** — On a point of order, Mr Acting Speaker, the honourable member opposite made a totally inaccurate accusation about funding to

government schools being reduced under Dr Kemp's model. That is not the case. Equally, I do not support the point he is making.

**The ACTING SPEAKER (Mr Plowman)** — Order! What is the point of order?

**Mr Honeywood** — That the honourable member for Geelong North is misleading the house and is not addressing the issue of literacy, which is before the house. The motion has nothing to do with a federal government funding model that affects a school in his own electorate that he obviously despises — Geelong Grammar School.

**Mr Helper** — On the point of order, I would have thought it inappropriate for the honourable member opposite to use a point of order to clarify an interjection which was disorderly in the first place.

**The ACTING SPEAKER (Mr Plowman)** — Order! There is no point of order on the basis that the statement was believed to be misleading. However, the honourable member for Geelong North has been given a fair bit of latitude. I ask him to come back to the subject before the house.

**Mr LONEY** — I would have thought that it is germane to the issue before the house because the three words 'social policy agenda' are in the motion of the shadow Minister for Education. He obviously does not want to debate it.

On the point of order, I would want a better source than the shadow minister to tell me I am wrong about the federal government's education policy.

There are more important matters in education that the house could be debating. In the 12 months that he has been in that position, the shadow Minister for Education has not come to grips with one of them. Honourable members will not have a debate about the real policies in education. It is interesting that 'policy' is the one word that the shadow minister for Education neglected to use at any stage during his contribution — probably because he has none!

**Mr Honeywood** — You weren't even here!

**Mr LONEY** — I was so — I sat right through your contribution. The reason is, of course, that his federal counterparts are following the same policies that he as a minister responsible for education implemented in this state.

As Minister for Tertiary Education and Training, the current shadow Minister for Education was part of the

education structure in this state. What happened under that regime? We saw expenditure on education fall below the national average; we saw average class sizes rise; we saw student-teacher ratios become worse than the national average; and we saw a huge decline in retention rates — none of which seemed to be of importance to the shadow minister. Under his regime 8000 teachers were thrown out of the system and, to top it all off, we saw the gagging of members of the teaching service so that no-one could talk about it! That was the legacy of the former government! That is what they left!

Now the shadow minister talks about testing. He said by interjection that I was not here during his contribution. I was here — to be amazed by a statement that he made. The honourable member for Warrandyte said that the purpose of testing was probably to score political points! He actually said words to the effect that, 'If you had done the testing, you would be able to come in here and have a go at us about what we have done'. So for him the purpose of testing is to score political points; it is not about the students.

He was followed by the honourable member for Bennettswood who talked about testing revealing underachieving schools; he did not relate it to students, either. The purpose for him is to get a list of underachieving schools, not testing students.

All sorts of testing goes on all the time in schools — that is, diagnostic testing, which is about helping students. Members of the opposition try to promote a particular method as the only testing that goes on in schools. It is not. Testing in most schools is a daily occurrence and it is done to advance students.

**Mr Honeywood** interjected.

**Mr LONEY** — And that should be the purpose of testing — the advancement of students.

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

**Mr MAUGHAN (Rodney)** — I am delighted to be able to speak in this debate today, particularly during National Literacy Week, about the important issue of education.

It is clear that there is a difference in approach between those on the government side and those on the opposition side of the house. Honourable members should be — and I am sure all are — concerned about education, because many of us are parents and grandparents and so we should be concerned from a

family point of view. We are also members of the general community.

As parliamentarians we most certainly should be concerned because each year education consumes about \$4 billion, or some 25 per cent, of our state budget. Clearly we should be concerned about it from that point of view because of the future of our state and our nation. We should be concerned about where we are going as a country and that depends on having a well-educated, well-trained work force.

Honourable members should be concerned about the future of our education system so that as a community we can understand and address the various social problems that confront us. Members of a well-educated community are better able to deal with various issues and address social problems. Many of them are caused by a lack of adequate education, including a lack of literacy and numeracy skills. That has come through from anecdotal evidence all local members of Parliament have received. It has certainly come through from the business community whose members tell us that in the past the school system has been turning out, and still is, too many students who are inadequately trained in basic numeracy and literacy skills.

I will not engage in the verbal bashing of teachers or of the education system, because I agree with the honourable member for Geelong North in his comments that Victoria has a great education system. I pay tribute to the system that we have and the people involved in it. I admire and respect the important role that teachers play in our community. Having said that, I also believe that teachers are no different from anyone else and ought to be judged on performance.

With respect to the testing that goes on in schools, it is often said by the other side that all we on this side want to do is get those figures and use them to assess teachers. That is not what it is about. It is primarily about looking at how the community is going and giving the parents of students some objective assessment of how their children are getting on.

Testing also has a role to play in assessing teachers who are not performing according to reasonable standards. As I said, I am not about teacher bashing, but I believe strongly in the need to have the best possible people teaching in schools. Excellence in education should be encouraged — I believe it is — in a variety of ways, including matters such as salary and personal development. However, everyone acknowledges that within the system there are teachers who are not up to standard, and if they are not doing the job they should not be protected in the system, as is the case in any

other industry. I hope the government will take a realistic view and will not, as previous governments have done, protect teachers who are clearly incompetent and should not be in classrooms. For their own benefit and the benefit of the children they teach such teachers should be removed from classrooms.

Finally, education should be valued for its own sake. Education makes for a better community. Education should be appreciated for its own sake, whether it is conducted in primary schools, secondary schools, tertiary institutions, the University of the Third Age, colleges of advanced education or institutes of TAFE. It should be appreciated for making us and our children more rounded individuals who are more able to deal with the problems that constantly confront the community.

Despite my having said all of that, and despite the fact that the former government spent about 25 per cent of its annual budget on education, there will always be a debate about whether the state is applying sufficient resources to education. Clearly there will always be individual and political differences of opinion about getting the balance right. Everyone agrees that the ultimate aim is to have one-to-one education, but that will never be affordable. It has to be a balance between what we would like, what we can afford and what the community is prepared to pay, given that a whole range of other services need to be provided in areas such as community services, health, police, the justice department, and so on.

I return to the literacy and numeracy. We on this side of the house say that literacy and numeracy are absolutely vital, yet a lot of other educational programs are conducted in schools. I am concerned from time to time about the additional responsibilities that are put on schools in relation to sex education, drug and alcohol education, learning how to drive, and a whole range of other things. Too often the community — and we parents — abrogate our responsibilities and say, 'That's up to schools. Let's put it on to schools'.

Educational programs on topics such as languages other than English and a range of others are great when looked at in isolation, but unfortunately the basics of reading, writing and arithmetic that we all need in our lives have been neglected. There is a need to get back to concentrating on literacy and numeracy. The former government did that by putting considerable resources into that area. I hope the current government will pick up the need in the community and address the literacy and numeracy problem, because I again come back to the social problems that concern me: kids who do not have reasonable training in literacy and numeracy have

no hope of getting any job, let alone a job that is fulfilling and satisfying. Part of the reason there is so much antisocial behaviour in the community is that such kids rapidly lose self-esteem and get involved in antisocial behaviour.

As the honourable member for Wimmera said, they find it difficult to look after their own domestic problems. Former speakers have pointed out that when the opposition was in government it demonstrated its commitment to education in no uncertain terms. I do not intend running through all the statistics but it bears pointing out that when the coalition came to government there was an enormous backlog in the school maintenance program. I regularly visit the schools in my community, and their fabric, inherited from the former Labor government was a disgrace. They were not nice places to be in. They were not bright or airy and while they are not all up to standard now they are much better than they were. The former government spent \$660 million bringing them up to standard. It is a pleasure to visit the schools in my electorate and see what good facilities they have, generally speaking.

The previous government made enormous achievements in turning around the attitude in school communities. They now contain career structures, and although excess teachers were removed, the school system is excellent and Victorians should be proud of it. It is turning out students able to go on to tertiary education. Victorian schools are great schools. They turn out well-qualified students who have high prospects of obtaining further education and jobs in the community. However, more resources are needed, particularly in the early intervention area, to help children with learning disabilities. More speech pathologists, psychologists and other specialist services would avoid many early problems. Finally more welfare resources are needed in schools.

**Ms DUNCAN** (Gisborne) — I am thrilled to speak on the matter of public importance on literacy. I am a former teacher and librarian. Promoting literacy and an interest in reading among students has been my life's work.

I note the honourable member for Warrandyte, who raised the matter, is not in the house to hear most of the speakers and that is a sad reflection. It is also worth noting that literacy is only a matter of public importance when the Liberal Party is in opposition. When it was in government it was not quite as important as it appears to be today when it is in opposition.

The fact that this matter of public importance has been raised now highlights the excellent job the Minister for Education must be doing. The opposition is obsessed with the Minister for Education. In fact some opposition members are almost pathological in their obsession with her. They see what this government is now doing for education and how poorly it reflects on their efforts. They feel obliged to try to run the minister down. The public is not fooled. It compares a government that closes schools, cuts funding and reduces the number of teachers in the classroom with a government that increases funding, puts more teachers and specialist aides into the classroom and opens and rebuilds schools. Education is one of the government's priorities. The public is not fooled; it sees the stark contrast between this government and the previous one.

The wording of the matter of public importance is curious. No-one, including opposition members, has been able to explain what is meant by 'social policy agenda issues'. Phrases like 'political correctness' and 'social bias' have been heard, but I am not sure what the terms mean.

**A government member** interjected.

**Ms DUNCAN** — Something along those lines. The government has introduced smaller class sizes, allocated \$15 million for learning improvements and provided additional programs like the Let's Read Expo, which is designed to strengthen the home, school and community partnerships in education. It understands that education is a social policy. A colleague pointed out that the introduction of compulsory education is and was a social construct. Schools are an integral part of society. They are not and should not be immune from changes in society. Changes in society have an incredible impact on students, and schools rightly recognise that. To simply concentrate on literacy and ignore all other impacts on a child's learning is putting one's head in the sand and ignoring the things that enable students to read and learn. I am pleased to see the honourable member for Warrandyte rejoining the debate.

It is like saying that what goes on in someone's home life has no bearing on their learning environment. The government knows, and the opposition should know that the home, family, parents, friends and schools all impact on the way a student learns.

One of the great changes being made by the government is the reduction in class sizes, and it has been keen to pursue that course. The opposition, and particularly the honourable member for Warrandyte, is pedantic about statistics. The government has achieved

and hopes to continue to achieve a reduction in class sizes. An article in the *Age* of 19 October 1999, which quotes Associate Professor Susan Burns, states:

Schools had to have proper resources if they were to be effective in developing children's literacy skills before third grade ...

Schools with large numbers of children at risk for reading difficulties need rich resources — manageable class sizes and student-teacher ratios, high-quality instructional materials in sufficient quantity, good school libraries and pleasant physical environments ...

Previous speakers referred to the capital grants provided to schools by the government. However, opposition members seem to believe, as they often do when debating policies in the house, that one thing is exclusive of the other — that if school buildings are improved, literacy will be ignored. That sort of reasoning comes up time and again in this house. Opposition members seem to think one is mutually exclusive of the other. Their stance on supervised drug injecting rooms is an example of their narrow thinking on many social issues. I am yet to find out what is behind this matter of public importance and what 'social policy agenda issues' referred to by the honourable member for Warrandyte are about. I suggest they refer to the government putting in place student welfare coordinators — an outrageous thing to do!

Literacy figures will be turned upside down if we have additional welfare coordinators in schools. It refers to the government introducing bullying strategies, which has an incredible impact on literacy. It amazes me that the opposition cannot see that. It also refers to the additional \$10 million for student learning needs and increasing the number of students who are able to receive support from 40 per cent to 60 per cent. Obviously, this government is ignoring literacy and student needs by introducing those initiatives.

Reducing class sizes is one of the best government initiatives. The government has committed \$47.5 million over two years — \$25.2 million in 2000 and \$22.3 million in 2001 — to reduce class sizes from prep to grade 2 to an average of 21 students. Employing nurses in schools is not a social construct — it is a necessity. Every bit of research on schools, literacy and outcomes for students points to a whole range of social and economic factors that impact on literacy. Injecting funds into those projects enhances the literacy of our students; it does not reduce literacy.

Even the federal education minister, Dr David Kemp, who would hardly be considered to be progressive in education, has sought to address the problem of

declining performances in schools, particularly the declining performances of boys. That is a major concern, and highlights the impact of socioeconomic conditions on student outcomes. The fact that boys are not performing in literacy as well as girls highlights the fact that home life has an incredible impact.

It has been suggested that a lack of parenting at home — for example, a lack of a male role model — is affecting the ability of boys to learn. Addressing or acknowledging those factors in the lives of students is hardly ignoring literacy. Even the federal minister is looking at ways of addressing those problems. The terms of reference of the federal government's review covers the social and economic factors that impact on students' lives.

A consideration of those factors is crucial when looking at student education, particularly that of boys. The suggestion that introducing welfare coordinators and employing additional assistants and teachers will somehow denigrate literacy is mind boggling. I wonder how some members of the opposition consider themselves to be knowledgeable on education.

An incredible amount of capital funds has been injected into the schools in my electorate, which now have additional funding for students with disabilities, who have particular needs. I can assure the house those students would not agree with this matter of public importance.

**Mr SMITH** (Glen Waverley) — I am delighted to support the honourable member for Warrandyte in this timely motion before the house. Every member of every community has an attitude on education. It is interesting that the Labor Party wants to change the whole agenda for education, which is typical of its approach to most issues. However, the way it is approaching the issue is resulting in a rapid decline in education standards. By contrast, the Liberal Party's attitude to education is pushing education standards upwards. That is what the Liberal Party is about. The Liberal government provided for accountability in all aspects of education. Accountability is the most important aspect of education.

The honourable member for Gisborne said the Labor Party is throwing much money towards education. Allocating money for more resources is good, but the most important aspect in education is the standard of teachers. Without good teachers no education system will work. No matter how much money is thrown at education, unless there are good, accountable teachers in the education system it cannot be run satisfactorily.

In the United Kingdom the previous conservative government introduced inspectors to provide for accountability in the teaching profession — I believe it was during the time of Mrs Thatcher. During the 1997 election campaign the Labour Party pushed the same policy that was being pushed by the conservatives — raising the standards of education. Did the United Kingdom get rid of inspectors and other people making the education system accountable? No, even Chris Woodhead of Her Majesty's Office of Standards in Education in England was kept in office despite all of his controversial statements. We must have accountability in our education system. No-one argues that putting as many resources into education as possible is not good, but when the education system allows for little accountability, we must begin to worry.

It is interesting that a minister such as the Minister for Education allows the education agenda — whether positively or by default — to run away from her. As the honourable member for Warrandyte has said, she is allowing the education agenda to be hijacked.

An important issue to be discussed here, referred to in the newspapers as the S11 movement, relates to the World Economic Forum to be held in Melbourne on 11, 12 and 13 September. People wanting to protest against the forum are trying to engender support for S11. The movement is run by Mr Jolly — that is to say, it is a movement of the far socialist left and is specifically designed to knock the economic forum.

**Mr Lenders** interjected.

**Mr SMITH** — Hello! We have an apologist for it. I could have guessed the honourable member for Dandenong North would be such an apologist. Let it be recorded in *Hansard* that the honourable member is supporting Mr Jolly.

Mr Jolly and his supporters are running around the schools trying to recruit young schoolchildren for the S11 movement. The movement puts fear into the heart of every self-respecting Victorian. People fear that Melbourne, like Seattle, will be denigrated in the eyes of the world. Denigration is the whole aim of movements such as the one being run by Mr Jolly. I believe more than 30 schools in Melbourne have been visited by members of the S11 movement. If they are being allowed into the schools with the authority of the Minister for Education the situation is nothing short of scandalous; yet, ironically, the minister has stopped entry by opposition and National Party members into schools. If those members wish to visit schools in their electorates — —

**Mr Lenders** interjected.

**Mr SMITH** — I note the honourable member for Dandenong North thinks it is a jolly good idea that members on this side of the house should be stopped from entering schools. I guarantee that every member on this side of the house has visited virtually every school in his or her electorate during the past 12 months. Now, however, they have to go through some sort of process to seek permission from the education department to do so. Big Brother knows best; we have to go to the local commissar for permission to do what used to be taken for granted! The system has been hijacked.

The Labor Party is, as the honourable member for Warrandyte said, giving greater priority to social agenda policy issues than to policies that ensure higher education standards, particularly literacy standards. Schools are being jeopardised at the expense of Labor Party ideology.

I note that sexuality kits are being introduced into Tasmanian schools to encourage discussion about homosexuality as a valid lifestyle choice. I understand the Victorian Premier is against the program, but the opposition is struggling to gain assurances from the Minister for Education that a similar program will not be introduced into schools here. Such programs take away from real school programs and simply advance the Labor Party agenda. The course is called 'Challenging homophobia' and was originally written for Tasmanian schools. It contains disputed research data and uses false or outdated figures and distorted statistics.

The Liberal Party, as everyone knows, supports antidiscrimination programs and is against harassment in principle. However, it does not support school materials such as the Tasmanian materials that include questions such as, 'If you have never slept with a person of the same sex is it possible that all you need is a good gay lover?', or, 'Is it possible that your heterosexuality stems from a neurotic fear of others of the same sex?'. If material of that sort is to be taught as part of the Labor Party agenda in Victorian schools people will be outraged.

Nobody wants to see a system in which anything other than fairness is allowed, but if that sort of material is allowed into the schools there will be an outcry from the people. The Liberal Party supports antidiscrimination and antiharassment principles. It is saying, however, that the Labor Party agenda — the socialist agenda of the Labor Party — was discredited in the 1970s and again in the 1980s.

How fascinating that the new Labour government in England, the government which the Minister for Gaming likes to promote from time to time and which the Victorian government copies, has stuck with the Conservative agenda brought in by Maggie Thatcher's government! That opposition knows that the best way to get to the people is to raise education standards.

**Mr LENDERS** (Dandenong North) — It is with great pleasure I join the debate on the matter of public importance. Since being elected I have been to all 19 schools in my electorate, and the good work of the Bracks Labor government and Minister Delahunty is already being acknowledged by most of them. I was intrigued to hear the honourable member for Glen Waverley talking about the S11 summit rather than the matter of public importance, because literacy is an important issue.

Literacy and good education are what the government is all about. We have been focussing on the basics that help increase the literacy rate, such as reducing class sizes and putting resources into schools to restore their pride. Those are the things the minister and the government have been doing, which will enhance the future of education in this state.

Our education agenda is one of preparing people for the future. Since compulsory education was introduced in Victoria in 1872, various social engineering programs have given people a chance to participate in what life has to offer by providing a good education that equips them for work and for society.

#### Debate interrupted pursuant to sessional orders.

**The SPEAKER** — Order! The time set down for the debate has expired. Before calling the next item of business, I call the honourable member for Cranbourne on a point of order.

**Mr Rowe** — Mr Speaker, I seek a ruling from you on a matter related to a notice of motion I gave yesterday and the variation between the motion recorded in *Daily Hansard* and that recorded in today's notice paper.

*Hansard* correctly records that the motion was:

That this house condemns the Minister for Education for dishonouring the traditions of the house today by deliberately refusing to make a whole document available after agreeing to do so and then lying in her response to the Speaker when asked if she had made the whole document available.

The motion that appears on the notice paper is complete, with the exception that the word 'lying' has been removed and replaced with the words 'misled the

house'. One official record of the house, *Hansard*, is correct, while the other official record of the house, the notice paper, is incorrect, given the deliberate substitution of the word 'lying' with the words 'misled the house'.

I seek your guidance, Mr Speaker, on how two official records of the house can vary; how they can be altered without the house being informed; and the reasons for the alteration.

*Honourable members interjecting.*

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

The honourable member for Cranbourne correctly points out that in the house yesterday he gave notice of a motion regarding the actions of the Minister for Education. In the text of the motion he used the word 'lying' in referring to the minister. The honourable member should be aware that on a number of previous occasions the word 'lying' has been deemed by Speakers of this house to be unparliamentary.

The house should be aware of the endeavours made last evening by the Clerks and the honourable member for Cranbourne regarding the wording of the honourable member's motion. As no agreement could be reached, the matter was reported to me in my capacity as Speaker. I made a determination that the word 'lying' be deleted and the words 'misled the House' be inserted.

The authority to make that change is clear, and I would like to inform the house of it. On page 104 of *Rulings from the Chair 1920–2000*, Speaker Plowman makes it clear that:

Following a member giving a notice of motion, the Speaker requested the member to reword the notice of motion to remove the word 'filth'. The Speaker reminded members that they should be careful in the language they use in Parliament, particularly in notices of motion which should not be inflammatory.

Another ruling of Speaker Plowman is referred to on the same page:

The Speaker, after stating that he will examine the wording of various opposition notices of motion, invited the member who was the manager of opposition business to take up the matter with him with the view of coming to an amicable arrangement to change the wording of notices of motion to fit the forms of the House if required.

Page 335 of the 22nd edition of *May* states:

A notice of motion which contains unbecoming expressions, infringes the house's rules, or is otherwise irregular, may

under the Speaker's authority, be corrected by the Clerks at the table.

Further, page 304 of the *House of Representatives Practice* states that:

The standing orders direct the Speaker to amend any notice of motion containing unbecoming expressions or which offends against any standing order of the house ... The house in effect places an obligation on the Speaker to scrutinise the form and content of motions which are to come before the house.

I relied on those precedents to make my determination on this matter. However, I make it perfectly clear that the words of the notice of motion reported by Hansard will stand.

I remind the house there have been numerous occasions when honourable members have used terminology that has been subsequently withdrawn as the result of a request from the Chair. On those occasions, the words have stood in *Hansard* in their original form, and as I said, that will be the case on this occasion.

**Mr Rowe** — On a further point of order, Mr Speaker, I raise with you the matter of privilege and the protection afforded to the press in reporting the proceedings of this house.

Once the proof *Hansard* passes to the *Daily Hansard* notices drop off the record of the Parliament and do not appear in the final form of *Hansard* as it remains in the historical document. The only record of that notice then becomes the notice paper.

I have some concern that the media may rely on its extended privilege on the reporting of the house and that it may be placed in some jeopardy in its reporting last evening and today in the print media.

I seek your guidance and perhaps consideration of that issue with parliamentary counsel or some legal advice to clarify the matter. My searches reveal that notices of motion do not appear in either the computer records or the bound versions of *Hansard*.

**The SPEAKER** — Order! I do not uphold the point of order. In taking his point of order the honourable member for Cranbourne is suggesting to the Chair that there would in some way be an alteration to what has been recorded in *Hansard*. As I have indicated, that will not be the case.

The wording as it appeared in the *Daily Hansard* issued this morning will appear in the final version. The statement I have made to the house on how the change came about will also appear in *Hansard*. I do not see how that could possibly impinge on the question of privilege.

## WHISTLEBLOWERS PROTECTION BILL

### *Introduction and first reading*

**Mr HULLS (Attorney-General)** introduced a bill to encourage and facilitate disclosures of improper conduct by public officers and public bodies, to protect persons making those disclosures and others from reprisals, to provide for the matters disclosed to be properly investigated and dealt with and for other purposes.

**Read first time.**

## LAND (ST KILDA SEA BATHS) BILL

### *Introduction and first reading*

**Ms GARBUTT (Minister for Environment and Conservation)** introduced a bill to provide for power to lease land for the purposes of a car park at St Kilda and for other purposes.

**Read first time.**

## CONSTITUTION (AMENDMENT) BILL

### *Second reading*

**Debate resumed from 16 August; motion of Mr BRACKS (Premier).**

**The SPEAKER** — Order! I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

**Mr WILSON (Bennettswood)** — I am pleased to join the debate on the Constitution (Amendment) Bill. This will be one of the most important debates during the term of this Parliament. The debate goes to the integrity of our democratic system and its institutions. Indeed, it goes to the integrity of our parliamentary system, which has served us so well for so many years.

The second-reading speech claims that the bill before the house deals with three issues of parliamentary reform. For 'reform' I read 'political advantage' and 'power grab by the Labor Party'. That power grab was adequately outlined by the Deputy Leader of the Opposition when she made her contribution to the debate a couple of weeks ago.

The three so-called reforms in the bill seek, first, to change the term of Parliament; second, to change the duration of the Legislative Council; and third, to end the ability of the Legislative Council to block supply.

**Mr Lenders** — What about the Frankston East clause?

**Mr WILSON** — At the outset let me challenge some of the propositions that were put forward by the honourable member for Dandenong North in the last sittings of Parliament when he claimed that the Bracks government has a mandate. I remind the honourable member for Dandenong North that the Bracks government has always been and continues to be a minority government. It was a minority government after the September 1999 election, winning only 41 seats out of 88, and it cobbled together a minority government with the aid of three Independents. I repeat, the Bracks government remains a minority government.

*Government members interjecting.*

**Mr WILSON** — Let me come to the by-elections. The by-election results in the seats of Benalla and Burwood give no contemporary mandate for reform to the constitution. More importantly — —

*Government members interjecting.*

**The ACTING SPEAKER (Mr Kilgour)** — Order! The honourable member for Frankston East is out of his seat and is being disorderly.

**Mr WILSON** — More importantly, there is no reason or justification for destroying the role of Victoria's upper house, which also has served this state so well over so many years. We all know that this bill is the thin end of the wedge.

The ultimate goal of the Labor Party is the abolition of the Legislative Council. It is obsessed with the role and power of the upper house and has been consistent in its attempts to nobble and ultimately abolish it. It would seem the Labor Party believes the Legislative Council's having a longer term than the Legislative Assembly is unique to Victoria and is undemocratic. Some quick research shows that several other Australian jurisdictions, including the Parliament of Australia, have similar systems.

Canada, one of the world's great democracies, has an appointed upper house, the Senate, and the terms served bear no relation to the terms of members of the lower house, the House of Commons. Some members of the Canadian Senate have held their senatorial positions since the early 1970s. The official web site of the Canadian Parliament makes the following observation of the value of longevity of members:

A complete changeover in Senate membership takes place about every 17 years. This continuity creates a kind of long-term institutional memory. Senators can track issues

over time, form lasting working relationships and develop a thorough understanding of Parliament.

Similar election systems operate throughout a number of American states and European parliaments.

From the contributions of honourable members opposite one could be forgiven for believing that Victoria's electoral and parliamentary systems are unique. Members on this side of the house will not be fooled by the devious intentions behind the bill, nor will the people of Victoria, especially rural Victorians, who have a true appreciation of the need for checks and balances in the political system.

Public sentiment on the issues is clearly expressed in the *Herald Sun* editorial of 31 May, which states:

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.

But the Liberals' obligation does not extend to allowing reforms that could paralyse government in this state.

On the issue of removing the power of the Legislative Council to refuse supply, I make the comment that at both the federal and state levels the Labor Party seems obsessed with upper houses blocking supply. It would seem that the ghosts of 1975 haunt the minority Bracks Labor government of 2000.

**Mr Maclellan** interjected.

**Mr WILSON** — Exactly — it is a matter of get the Governor, get the upper house and then get Victoria. Perhaps it has something to do with John Cain, Sr, but that was more than 50 years ago and members opposite must come to terms with that.

Opposition members have adequately detailed in their contributions the history of Victoria's upper house. Many members have spoken about the great Henry Bolte having to contend with a hostile Legislative Council for many years. Everyone knows and appreciates what a good government the Bolte government was for more than 17 years. Bolte did not use the upper house as an excuse. Unlike the Bracks government he got on with the job and delivered good government to the people of Victoria. What a contrast to the current government.

**A Government Member** — Bracks is more popular than Bolte.

**Mr WILSON** — The interjection is not worth a response. In researching the role of upper houses in the Westminster system, I found a quote that perfectly summarises the attitude of the Labor Party to Victoria's

Legislative Council. In the important work *The Future of the House of Lords*, the following observation is made:

If a second chamber dissents from the first, it is mischievous; if it agrees, it is superfluous.

A second observation from that same journal tells an important story. It states:

... if we had an ideal House of Commons ... it is certain we should not need a higher chamber.

The problem is that there is no such thing as an ideal lower house. This house is not perfect, so the opposition will not sit by and see the Bracks minority government destroy the strengths and integrity of Victoria's parliamentary system by removing the power of the upper house to block supply, a power not used in Victoria during my lifetime.

Queensland, which abolished its upper house in 1922, has the only unicameral system in Australia.

**A government member** interjected.

**Mr WILSON** — I am referring to states. I cannot believe that the Labor Party is suggesting that Victorians should bring upon themselves the problems that Queensland has had in parliamentary administration since 1922.

The Leader of the Opposition in the upper house, the Honourable Mark Birrell, wrote an article that was published in the *Age* of 19 August. Some important parts of that article deserve to be included in *Hansard*. In discussing the possible reforms to the Legislative Council proposed by the government, Mr Birrell wrote:

As a consequence, in the past 30 to 40 years, the upper house has:

Offered a powerful platform for the scrutiny of ministers and of the use of taxpayers' funds.

Given a fairer voice to the concerns and hopes of Victorians outside Melbourne.

Been an essential element in securing stable government.

Most importantly, he also wrote:

In the '80s we were able to use the house as a platform to start public debates on issues as diverse as the VEDC scandal and the need for mandatory reporting of child abuse. Likewise, in the '70s Labor's upper house leader John Galbally powerfully pursued the issue of capital punishment.

I quote a final comment from Mr Birrell's article:

A further profound difference is the way only the Legislative Council forces ministers to actually answer questions on notice in the Parliament. And it insists that all ministers subject themselves to the scrutiny of the daily adjournment debate. Such accountability is unheard of in the Legislative Assembly, where ministers can simply evade tough interrogation.

The article gives a succinct summary of why the government's reforms should be rejected. In researching for the debate I came across a quote from John Stuart Mill, whom I am sure all members of this house would duly recognise as one of the great political theorists. He said:

A majority in a single assembly, when it has assumed a permanent character — when composed of the same persons habitually acting together and always assured of victory in their own house — easily become despotic and overweening if released from the necessity of considering whether its acts will be concurred in by another constitutional authority.

My final points come from a pamphlet that I have commenced circulating in my electorate, and I have received fantastic feedback from the constituents who have received it. Members of the Liberal Party — I am sure the same is true of our colleagues in the National Party — will be letting all their constituents know about what the Labor Party is intending to do in its attempts at constitutional reform. The pamphlet tells my constituents that the Legislative Council is fair and democratic as it is and that it uses the same electoral system as the lower house, with one vote, one value, and independently drawn electoral boundaries.

**Mr Stensholt** — On a point of order, Mr Acting Speaker, the honourable member is quoting from a document and I ask whether he will table it.

**Mr WILSON** — I am happy to table it. I advise the house that I believe some of these pamphlets have even ended up in the electorate of the honourable member for Burwood, so he may be able to pick up a copy when he next attends there.

The other point my pamphlet makes to the good people of Bennettswood is that the upper house provides a vital scrutiny of all the government's legislation, including — importantly — the state budget. It provides a safeguard against any government that wants a blank cheque. The opposition is not willing to give the Labor Party a blank cheque on any legislative reforms it wishes to bring in. Therefore we are determined to preserve the powers and the status of the Legislative Council.

The pamphlet also tells constituents that the current voting system for the Legislative Council has provided stable government for decades. Labor's proposed

changes to the system will make it easier for extremist minorities to be elected and to abuse their power — and how right that is!

The most important thing I tell my constituents in the pamphlet is that the Labor Party intends to gain absolute power in Victoria. The only way it can gain absolute power is by abolishing the only check and balance that exists — the upper house. As the honourable member for Pakenham said earlier, the government has already got rid of the Governor and it is now trying to nobble the upper house so it can gain absolute power for its own purposes.

My pamphlet points out that Labor wants to end the scrutiny of its actions by the upper house by abolishing the Senate-style terms of office of the members of the Legislative Council. It is no surprise that although the Legislative Council has served Victoria so well, the Labor Party is determined to take away its powers. However, on many occasions federal Labor has been happy to use similar powers in the federal Senate.

There have been many occasions during the life of the democratically elected Howard federal government when the federal Labor Party has combined with the Democrats to frustrate its legislation. It is hypocritical of the Labor Party to use its numbers in the Senate, along with the Democrats, for its own benefit, yet when it happens to win an election in Victoria — which we all know it had no expectation of ever winning — it attempts to gain absolute power by removing the Legislative Council. This bill represents the first stage of the Labor government's attempt to do that.

I turn to the final two points in my pamphlet. Under Labor's plan for reform — and for 'reform' read 'destruction' — the cost to the taxpayer of elections would soar and access to locally based members of Parliament would be cut. The difference between opposition members and government members is that we believe candidates for preselection for Liberal seats should have some relationship to those seats. However, Labor preselection is based on which faction a person belongs to. It has no correlation to what the locals might want, whether they are members of the Labor Party or local constituents. Instead, Labor candidates are imposed on them.

We hear so much rhetoric from the government about the importance of the rural voice, and in that light my pamphlet makes a most important point:

Great regional cities like Ballarat, Geelong and Bendigo currently have separate representation in the upper house. The existing electoral system ensures each such city has its own

local MPs — don't let this be destroyed by the Bracks Labor government.

**Debate interrupted pursuant to sessional orders.**

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

## DISTINGUISHED VISITORS

**The SPEAKER** — Order! It gives me great pleasure on behalf of the Victorian Parliament to welcome to our chamber the United Kingdom parliamentary delegation which is led by the Right Honourable Thomas Clarke, CBE, JP, MP, and consists of Mr Jeffrey Clifton-Brown, MP; Mr Robin Corbett, MP; Mrs Llin Faulding, MP; Mr John Maples, MP; and the Reverend Martin Smythe, MP. I extend a welcome to all in the delegation and hope they find our question time both informative and interesting.

**Honourable Members** — Hear, hear!

**The SPEAKER** — Order! I remind honourable members that the delegation is available to meet with members at 3.30 p.m. today following question time.

## QUESTIONS WITHOUT NOTICE

### Schools: S11 recruitment

**Mr HONEYWOOD** (Warrandyte) — When was the Minister for Education advised of the school recruiting activities of S11 and what did she do about it?

**Ms DELAHUNTY** (Minister for Education) — I thank the honourable member for Warrandyte for his question because it is a serious matter, the notion of a free, peaceful protest. The concern, though, that many parents have is that students who should be at school may be enticed to be part of that peaceful protest.

We have instructed our schools to ensure that all students are aware that they are obliged to be at school. If they are over 15 and want to be absent from school, they have to have their parents' permission. We have reminded all schools of their responsibility to ensure that all students are at school.

*Honourable members interjecting.*

### World Economic Forum

**Ms BARKER** (Oakleigh) — I refer the Premier to the importance of the World Economic Forum to Melbourne's international reputation and ask: will the

Premier inform the house what action the government is taking to ensure the forum runs smoothly?

**Mr BRACKS** (Premier) — I thank the honourable member for Oakleigh for her question and I also thank the opposition for their interest in this matter.

On behalf of all members I wish to indicate at the outset that we expect the Melbourne summit of the Asia–Pacific summit of the World Economic Forum between 11 and 13 September to be an outstanding success, one which will bring a considerably enhanced reputation to the state of Victoria.

We expect about 800 delegates — business, media, government and academic leaders — will be in Melbourne. As I have mentioned before, some who have never visited Australia before will be in Melbourne for the first time. Key executives from leading firms such as Microsoft, Sunmicro Systems, Nestlé, Cisco, the Compaq Computer Corporation and others will be in attendance through the conference — a distinguished list of people will be there.

The Victorian government will be represented at the World Economic Forum. I will be addressing a session. I understand the Leader of the Opposition has been or will be issued an invitation as well. It is difficult to extend the invitation list because while it is the Asia Pacific summit of the World Economic Forum that is being held in Melbourne, it is not a wide invitation list. I am very pleased that we have senior representation of departmental heads of this government. I will be attending, as will the Leader of the Opposition and the Treasurer.

The Treasurer and I will also be participating in a series of one-to-one meetings with key executives from global corporations to ensure that we have the best possible representation of Victoria's assets to those business leaders.

Outside the conference, a range of events has been organised for delegates to showcase Victoria's cultural and tourism assets. Tours of Melbourne's magnificent cultural institutions and local wineries as well as some of our regional attractions will be on the agenda between 11 and 13 September. The government is committed to ensuring it is a success and one of the best forums that has been held for the World Economic Forum regional summit.

As the Minister for Education said, while we do expect there may be some protest activity, the government will do everything it can — I stress everything — to ensure the summit is not disrupted and that our excellent

reputation as a safe and stable location to live and do business in is enhanced in the conduct of this forum.

I am very confident that the security arrangements in place, which I, along with other ministers, have been briefed on by the Victoria Police will be second to none and will be continuing the excellent work that the Victoria Police has undertaken in coordinating security arrangements in the past. I place on record on behalf of all members of the Parliament, and the government in particular, the regard in which we hold the Victoria Police and the restraint they have shown in the past. I know that they will conduct and coordinate the security arrangements very well.

In keeping with protocol I will not be discussing the details of the security arrangements — that is in accord with conventions for these occurrences — but I can assure the house that the police are charged with the responsibility of ensuring that people attending the forum will have uninterrupted and free access to it and to Melbourne, and that those who are involved in peaceful protest will also be protected. I urge anyone involved to inform themselves of what the forum is about before they consider protest activity.

I had the benefit of attending the World Economic Forum in Davos earlier this year. It is interesting and surprising that the forum is not just about globalisation, but that it is also about how people can be brought along in the process of change in a globalised economy. It is about social inclusion, environmental concerns and bringing people with you as the world economy changes and you are part of a global community. That is exactly what the forum is about. I urge students, parents and those who are considering their responses to the forum to be held here in Melbourne to consider that it is about corporations and governments responsibly undertaking the requirement to bring people with them as they develop in a global economy. That is the agenda.

One of the agenda items I will be addressing is about how to grow a community in a globalised economy — a very important concept — and how to have structural adjustment processes for those who are affected by international trade and globalisation. I urge those who are considering their responses to this forum to consider its content and not just be led along blindly to protest. Together with the Victoria Police, the government will do everything possible to ensure the safety of those attending so that they can undertake their activities and business freely in the city of Melbourne.

I think it is going to be an outstanding success for the city. It will enhance Melbourne's reputation and

Victoria's representation. Victoria is at centre of the globalised economy for the Asia-Pacific region. Along with other honourable members, I am very much looking forward to a successful World Economic Forum here in Melbourne.

### **Workcover: premiums**

**Mr RYAN** (Leader of the National Party) — My question is to the Minister for Workcover. Given the government's intention to change the name of the Victorian Workcover Authority, will the minister advise whether the cost of the proposal is included in the outrageous increases in Workcover premiums?

**Mr CAMERON** (Minister for Workcover) — The Victorian Workcover Authority is a name set down by statute and there is no plan to introduce legislation into this house to change it.

### **Trams: dynamic fairway system**

**Mr STENSCHOLT** (Burwood) — I refer the Minister for Transport to the government's commitment to improve the operation of the privatised transport system and also to get a better deal for motorists from the City Link contract. Will the minister inform the house of progress of the government's plans to improve traffic flows on Toorak Road?

**Ms Asher** interjected.

**Mr BATCHELOR** (Minister for Transport) — Toorak Road, yes, I know it. Do you know it? Have you been there long? A no. 8 tram goes down it, and Sportsgirl is there, too.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. I ask the Deputy Leader of the Opposition to cease interjecting. I ask the minister to respond to the question and not respond to interjections across the table.

**Mr BATCHELOR** — Honourable members would be aware that Victoria's public transport system was privatised by the previous government last August — 12 months ago.

Three companies were given contracts to operate the service for between 10 and 15 years and since coming to power the government has sought to ensure that the companies honour their obligations under the contracts. As the opposition said, there have been big increases in patronage.

The government is committed to maintaining and improving the standard of Victoria's public transport and is doing it in partnership with the private operators wherever possible. A key priority of the Bracks government is to protect the rights of transport customers.

The government is also committed to undertaking the long-term strategic planning necessary to ensure that Victoria has an integrated and balanced transport system. The previous government was not interested in that. All it wanted to do was sell it off and walk away.

The Bracks government's commitment is best evidenced by its decision to introduce the dynamic fairway system on the no. 8 Toorak Road tram route. It is not only part of an arrangement with the public transport operators but also with Transurban, which has agreed not to exercise its contractual right to enforce the removal of clearways on Toorak Road.

I am pleased to announce today that I have been advised that contracts to install the dynamic fairway system should be let by the middle of September and the system is expected to be operational by December. The dynamic fairway system and the retention of clearways on Toorak Road have been strongly supported throughout the community as well as by the Royal Automobile Club of Victoria, Swanston Trams, Vicroads, the City of Stonnington and Transurban. The opposition is the only one to oppose it. It is trapped — —

*Honourable members interjecting.*

**Mr BATCHELOR** — The real question is: what is the difference between a no. 8 tram and the Leader of the Opposition given that that is his approval rating — 8 per cent !

**The SPEAKER** — Order! I remind the Minister for Transport that he must not debate the question.

**Mr BATCHELOR** — The answer is, notwithstanding all the problems the no. 8 trams have, they will respond to a dynamic fairway system, something that the Leader of the Opposition will never be able to do!

### **Schools: S11 recruitment**

**Mr HONEYWOOD** (Warrandyte) — I ask the Minister for Education: who allowed S11 recruiters into 30 government schools?

**Ms DELAHUNTY** (Minister for Education) — If the honourable member has information about

inappropriate activity in Victorian schools, I would have thought he would have immediately reported it to the government. If he would like to table the information, I will be happy to accept it.

### **LPG: winter energy concession**

**Mr HOWARD** (Ballarat East) — I ask the Minister for Community Services to advise on the measures being taken to address the diminishing value of the concession available on liquefied petroleum gas (LPG) for domestic cooking, heating and non-mains electricity.

**Ms CAMPBELL** (Minister for Community Services) — The non-mains winter energy concession is a vital asset for many people, particularly in rural and regional Victoria. The winter energy concession is available from 1 September every year. Unfortunately over the past few winters it has — —

**Dr Napthine** interjected.

**Ms CAMPBELL** — 1 September. I would have thought the former Minister for Community Services would have been aware of that but I am happy to run him through the details.

The winter energy concession is available for liquefied petroleum gas and non-mains winter energy users. It is particularly relevant to caravan park users and country and rural Victorians. Considerable concern has been expressed for a number of years that the cost of LPG has increased but the rebate has not. The failure of the concession to keep pace with price increases has been felt by many users. I have received many items of correspondence from country constituents including a particularly strong representation from Mr John Mumford, who spoke to me in the office of the honourable member for Gippsland West. He painted a stark position for low-income earners in country regions.

The price of LPG is deregulated and prices charged by LPG producers are generally based on import parity. The price of a gas cylinder has risen from \$37 in 1993 to between \$58 and \$68 on current prices, an increase of 78 per cent over seven years. Some retailers charge in excess of that price.

The value of the non-mains winter energy concession has not kept pace with those price increases and has only increased in line with the consumer price index. The previous government failed to address the issue of retaining the value but in the first winter of the Bracks government it has taken notice of constituents and decided to increase the rebate. The matter will be

addressed from 1 September when people can apply, as always, for their winter energy rebates.

**Mr McArthur** — On a point of order, Mr Speaker, the minister is reading from a typed document. I ask whether she will make it available to the house.

**The SPEAKER** — Order! Is the minister quoting from a document?

**Ms CAMPBELL** — I am reading — —

**An Honourable Member** — Reading!

**Ms CAMPBELL** — I have notes from which I am commenting to the house.

**The SPEAKER** — Order! The minister has said she is referring to notes. There is no point of order.

**Ms CAMPBELL** — I am pleased to announce that from 1 September people will be able to apply for that concession. It will be increased to \$66, which is an increase of 39 per cent on the current rebate. There will also be improvements in the future. In future years that amount will be increased, and it will be determined by the 45-kilo bottle of liquefied petroleum gas (LPG). The benefit to country and regional Victorians and non-mains winter energy users will be \$375 000 in the first year. Honourable members may wish to inform their constituents of that benefit.

### **Education: consultancies**

**Mr HONEYWOOD** (Warrandyte) — I refer the Minister for Education to the statement she made on 3AW on 21 August that she knew of only one Labor government education consultancy and to her answer yesterday, in which she demonstrated knowledge of other education consultancies now under way in her department. I ask the minister to advise the house of the details and costs of any new or renewed education consultancies undertaken since she became the minister.

**Ms DELAHUNTY** (Minister for Education) — I ask the honourable member for Warrandyte to put the question on notice. The question is detailed, and I assure the house — —

**Mr Honeywood** — On a point of order, Mr Speaker, my freedom of information request on that issue is one month overdue — —

**The SPEAKER** — Order! The honourable member for Warrandyte knows there is no point of order.

The minister has concluded her answer.

*Honourable members interjecting.*

**The SPEAKER** — Order! The level of interjection is unacceptable.

**Mr McArthur** — On a point of order, Mr Speaker, I draw your attention to the fact that question time is for questions without notice. The question asked by the honourable member for Warrandyte is substantially similar to a question asked in the house yesterday. Therefore, the minister has had notice of the question and has had time to be briefed by her department. She should be better informed. Honourable members and other people in the house are entitled to expect answers rather than incompetence from a minister.

**The SPEAKER** — Order! I have heard sufficient on the point of order. There is no point of order. The house knows a minister may answer a question in any way he or she chooses, provided the answer is relevant.

### **Petrol: prices**

**Ms ALLAN** (Bendigo East) — I refer the Treasurer to the current debate on the impact of petrol prices on Victorians, particularly on country Victorians. I also refer the Treasurer to recent statements made by the Prime Minister and the federal Treasurer that the states will get the benefit of the GST windfall on petrol. Will the Treasurer inform the house whether those claims are correct?

**Mr BRUMBY** (Treasurer) — I am aware of those claims. I am particularly aware of a recent claim by the federal Treasurer, Peter Costello, on the *Today* program, when he said:

Every last dollar of GST goes to the states, every single last dollar, and if GST raises more the states get more. It doesn't come to Canberra.

Similar statements have been made by the Prime Minister, and even more ill-informed statements have been made by the Leader of the Australian Democrats, Senator Meg Lees, who suggested in a recent media statement that the states should reduce public transport fares using the GST windfall.

There is no doubt that there will be a GST windfall from petrol sales. Honourable members may like to read an excellent article by David McKenzie in the *Weekly Times* headed 'The facts on fuel'. If honourable members think back to June, before the implementation of the GST, they will remember that commonwealth excise was approximately 36 cents a litre and the state franchise fee was, on average, 8.2 cents a litre, with a total take of around 44 cents a litre.

The excise today with the GST in place is just over 38 cents a litre and the GST on current prices is about 9 per cents a litre — a total of about 47 cents a litre. It used to be 44 cents. Each cent per litre is worth about \$340 million in revenue to the federal government, so its gain on those two items alone is in excess of \$1 billion. Add to that the windfall benefits the federal government will get through higher oil prices on the back of the petroleum resources rent tax. Some estimates show the increase in revenue from that to be an additional half a billion dollars.

The federal government is making a huge gain: \$1.5 billion or more, all taken from motorists through higher petrol prices; yet we have heard not one sound, not a peep or a whimper, from the state Liberal or National parties on the matter.

The heart of the matter is the GST. It is important — —

**Dr Napthine** interjected.

**Mr BRUMBY** — The honourable member for 8 per cent says, 'This is a state tax'. Honourable members need to understand the nature of the GST. This year the states will give up \$26.5 billion worth of grants and franchise fees and other tax arrangements. They will get back \$24 billion from the federal government, a gap of \$2.5 billion.

Under the intergovernmental agreement, the agreement that the former Premier Jeff Kennett signed, if additional revenue comes in it goes to the commonwealth, not to the states; so there is a huge revenue gain. If there is any additional windfall on the GST not one cent of that will come to the states in the first year; all of it goes to the federal government led by the federal Treasurer, Mr Costello, and the Prime Minister, Mr Howard.

Instead of caving in to party political loyalties I want honourable members on the other side of the house to have the guts to stand up to their federal leaders on behalf of country motorists who are being ripped off — —

*Opposition members interjecting.*

**Mr Perton** — On a point of order, Mr Speaker, the Treasurer has now been speaking for more than 5 minutes. The opposition will be quite happy to accommodate the minister if he wants to make a ministerial statement.

**The SPEAKER** — Order! I uphold the point of order. The Treasurer needs to be succinct. He has been

speaking for 6 minutes and I now ask him to conclude his answer.

**Mr Thompson** — Tell us about John Della Bosca!

**The SPEAKER** — Order! I ask the honourable member for Sandringham not to interject in that manner. He is prolonging the Treasurer's answer.

**Mr Robinson** interjected.

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

**Mr BRUMBY** — I thought we were allowed to go for 8 minutes today.

My final point is that under the intergovernmental agreement signed by the former Victorian government Victoria will not get ahead until the financial year 2007–2008. Under that agreement every single cent of any windfall in this financial year goes to the federal government.

### **Minister for Education: conduct**

**Ms ASHER** (Brighton) — Given that the Minister for Education was forced to come into the house last night to correct mistakes she made during yesterday's question time, can she now assure the house that her standard of ministerial conduct will, in future, meet the public's expectation of honesty?

**Ms DELAHUNTY** (Minister for Education) — Mr Speaker, the answer is yes.

### **Racing: review**

**Mr ROBINSON** (Mitcham) — I refer the Minister for Racing to the government's commitment to the racing industry in Victoria and ask him to inform the house of the latest steps the government has taken to modernise the government's thoroughbred and harness racing system in Victoria.

**Mr HULLS** (Minister for Racing) — As members of the house know, the harness and thoroughbred racing industries are a vital part of the social and economic fabric of regional and metropolitan Victoria. The government is working hard with the harness and thoroughbred racing industries to modernise their governance structures so they can move confidently into the 21st century.

I recently appointed a six-person panel to review the governance of thoroughbred racing. The government is also considering the possibility of expanding the

membership of the Harness Racing Board from five to seven persons.

*Honourable members interjecting.*

**Mr HULLS** — I am asked why, Mr Speaker. I had decided against an eight-member review panel, and I am not prepared to consider an eight-member harness racing panel. On good advice — no doubt the Leader of the Opposition has also received the same from his colleagues — I am informed that eight is a very bad number. It does not matter how you say it — whether in Italian, otto; French, huit; German, acht; or Mandarin, ba — eight is a very bad number!

The panel reviewing the governance structure of thoroughbred racing will report to me by no later than the end of November, which is three months from this, the eighth month!

The terms of reference focus on a range of issues, including the need to balance independence and accountability, and to ensure not only that future governance bodies are immune from conflicts of interest but that the importance of country racing is recognised in the development of the new governance structure.

As part of the process of developing a five, not an eight, year plan for the industry, on 15 May, a week after 8 May, I attended a harness racing summit at Moonee Valley. I am pleased to report that since then a great deal of work has been done in putting the plan together. More than eight consultations have been held so far with plans to hold a total of 25 — three times eight, plus one.

*Honourable members interjecting.*

**Mr HULLS** — Consultation has already been undertaken in Ballarat. I am not sure whether it was attended by a Mr Charles Collins who, according to today's Ballarat *Courier*, is now claiming to be the state Leader of the Opposition.

However, an expert reference panel has been formed, and I am sure the membership of it will be eight, more or less. It is true that members on the other side do not like consultation. They hate it — and 'hate' is a word that rhymes with 'eight'. However, consultation is a crucial part of the democratic process. It is needed to restore energy and vitality to the thoroughbred and harness racing industries.

The important spring carnival is coming up. It will be successful, but I give all members a tip: do not back no. 8. Always back a horse that can remain on track, get

plenty of support and is capable of leading by 66 lengths in the leadership stakes!

**CONSTITUTION (AMENDMENT) BILL**

*Second reading*

**Debate resumed.**

**Ms BEATTIE** (Tullamarine) — It is indeed a pleasure to join this broad-ranging debate on the Constitution (Amendment) Bill and I look forward to speaking on its sister bill, the Constitution (Proportional Representation) Bill. Before discussing the mechanical aspects of the bill, I would like to comment on the preceding debate. I have heard some fanciful notions put about by the oppositions.

**Mr Langdon** interjected.

**Ms BEATTIE** — I do not think they had eight speakers on it. The Nationals are only a six-person party!

We have heard much about the minority Labor government. I wish to point out to those who are not good with figures and who cannot count to eight or whatever that this side of the house has 44 members and that side has 35. We hear much about one vote, one value — —

**An honourable member** interjected.

**Ms BEATTIE** — While I am on the numerical aspects, the honourable member for Dandenong North might be able to help me here. Opposition members talked about one vote, one value. The government has 50.2 per cent of the vote: it is by far the majority party.

The truth has been muddled by fanciful notions of what the bill entails — —

**Mr Bracks** interjected.

**The SPEAKER** — Order! The Premier!

**Ms BEATTIE** — I am sure he is only eight paces away from the Speaker's chair!

I comment on the fanciful notions that have been put before the house concerning the abolition of the Legislative Council. I refer the 35-person Liberal Party to the *Labor — New Solutions* document, which its members obviously keep looking at on their computers but never seem to read. Nowhere does the document refer to the abolition of the upper house.

I will turn to the mechanics of the bill and discuss what it really intends to do instead of commenting on the vague and fanciful porkies that are floating around the chamber. The primary objectives of the bill are to reform the upper house, end the ability of the Legislative Council to block supply and establish a fixed four-year term for Parliament.

The honourable member for Bennettswood spoke about a 17-year term. I do not know whether he intends to move that for the Assembly or the Council at some stage — perhaps he would care to introduce it as a private member's bill!

As we approach the centenary of Federation the bill is symbolic of the need for modernisation of the Council. It reaffirms the Constitution Act 1975. The bill was allowed to lie over for public comment and consultation, which is one of the features of the Bracks Labor government. The government will consult and talk to people about its intention to reform and what proposed legislation is all about.

Independent members and members of the non-government parties have been included in talks, if they care to listen. While on the topic of other parties, I commend the National Party on its go-it-alone stance. I welcome its renewed commitment to listen to its grassroots supporters. Of course that is if it has any grassroots supporters left, because the Bracks government has garnered the trust and affection of most of the National Party grassroots support. I am sorry the honourable member for Benalla is not in the house at this moment.

**An Honourable Member** — Yes, she is.

**Ms BEATTIE** — Oh, the honourable member for Benalla is in the house — —

**The SPEAKER** — Order! The Chair is having difficulty relating the remarks of the honourable member for Tullamarine to the bill. I ask her to return to the bill.

**Ms BEATTIE** — Clause 2 of the bill provides for the retrospective commencement of the legislation. Clauses 1 and 2, which will of course be sections 1 and 2, will come into operation on the day on which the bill receives royal assent. Sections 3(2), 4 to 7, part 3 and sections 19 and 20 come into operation on the day of the dissolution or other lawful determination of the Legislative Assembly next occurring after the day on which the bill receives royal assent.

Sections 3(1) and (3) to (6) come into operation on the coming into existence of the Legislative Assembly first

elected after the bill receives royal assent. Section 18 comes into operation on the coming into existence of the Legislative Council first elected after the bill receives royal assent.

Clause 3 will amend the constitution to provide for a fixed four-year term of Parliament. That is a great thing indeed!

The fanciful notions that keep floating around this place suggest that the Legislative Council is a house of review. Recently there has been talk of higher Workcover costs, but when something like 140 amendments were put before the Council there was no review. The concept of the Council being a house of review is a figment of the imagination of those who are more interested in using the upper house to maintain the status quo than in using it as a genuine house of review.

Exceptional circumstances are covered by the bill, including motions of no confidence in the Premier or other ministers of the state. A motion of no confidence in this Premier would be an interesting idea, given that 75 per cent of Victorians have absolute confidence in him. The Labor Party is the party preferred by 55 per cent of Victorians. Those findings do away with the notion that a motion of no confidence in the Premier may be moved at this time.

Clause 4 provides that the duration of the Council will be concurrent with the term of the Assembly. It will make the upper house accountable to the people at the relevant time, which will be when it goes to election. It will not go to election on the basis of some outdated notion of rotation. Members will have to face the people at a certain time. Clause 4 also terminates the Legislative Council when the Legislative Assembly is dissolved or expires. I do not want to slip into sexist language, but it means an end to the jobs for the boys.

Clause 5 deals with appropriation bills that impose duties, rates, taxes, and rents and returns. They will all originate in the Assembly and may be rejected but not altered by the Council. Clause 6 relates to the annual appropriation bills and the appropriation of the consolidated fund for the ordinary annual services of the government for a particular year. It does not include appropriations for or relating to Parliament. Appropriation bills may be presented for royal assent if they are rejected or not passed by the Legislative Council within one month of being passed by the Legislative Assembly.

Under proposed new section 65, certification by the Speaker is conclusive evidence for all purposes and cannot be questioned in any court. Government

members have seen the authority of the Speaker in this place constantly challenged. He is a fine Speaker who exercises authority over Parliament through his decency and his respect for parliamentary procedures.

A feature of the bill is that it takes away for all time the threat of the withholding of appropriation from a democratically elected Victorian government. For too long the Liberal and National parties in conjunction have held the threat of the blocking of supply over the Labor Party like a sword and have said, 'We will stop the government and the will of the democratically elected Parliament'. The Legislative Council will no longer be used to thwart the will of the people. The threat of withholding supply will no longer be tolerated.

In conclusion, honourable members have been through the mechanics of the bill and have heard all the fanciful stories about its proposals. It is a mechanical bill and is available for all to see. It will bring true democracy to Victoria and to the Legislative Council, something that has not existed for a long time. Government members saw the disgraceful sham of the Regional Infrastructure Development Fund being threatened in the upper house. Those are the reasons people turned to the Labor Party in their time of need. I wish the bill a speedy passage.

**Mr STEGGALL** (Swan Hill) — What an interesting time to join the debate! I do not know where the honourable member for Tullamarine has been for the past 10 or 20 years.

**Mrs Peulich** — I know!

**Mr STEGGALL** — We will not go into that. One can understand honourable members on this side asking why the bill is here when one hears such a contribution from a government member. Government members talk about consultation and about how the Bracks government likes to consult and explain, but where has the consultation been on this bill?

In 1984, following two years of negotiation and discussion between the parties, their leaders and the constituency, former Premier John Cain introduced the bill that provided for Victoria's present electoral structure, under which upper house members are elected for the equivalent of two lower house terms. In 1984 the debate was about a constitutional change that was well discussed, well considered and well thought out.

The Constitution (Amendment) Bill is a mongrel of a bill introduced by a government that thinks that it wants to do something but does not know exactly what. It has been introduced with the Constitution (Proportional

Representation) Bill, which cannot be passed until the bill being debated is passed because the bill being debated contains provisions that will be repealed by the proportional representation bill. Yet the government is still asking the opposition and the National Party to take the bill seriously — to believe that with no consultation the government is serious in what it is trying to do in introducing the bill. It is a sad state of affairs.

The government will have to hang its head in shame when it comes to genuinely discuss constitutional reform because today its record is not good. Those of us with whom the government must negotiate — and we will be happy to do that — will not be keen to take any government actions seriously. Honourable members on this side have not been given a decent reason for the introduction of the bill.

I hold a country seat in northern Victoria. Following the last election much discussion took place in country Victoria about the future and how country Victoria would participate in the parliamentary structure. Country people are asking why legislation is being introduced that is aimed at giving the dominant metropolitan area even more dominance over the election of parliamentarians.

I listened to the honourable member for Tullamarine telling the house how good and successful the Labor Party is and why people voted for it. If she believes that — and she obviously does — I do not know why Labor is having difficulty winning votes in the upper house. I smile a little at the claims of the Premier and his party that the upper house is undemocratic. Is it undemocratic that the boundaries for upper house provinces encompass multiple lower house electoral districts — that four assembly seats make up one province in the upper house? The same boundaries are used for both houses, so if it is undemocratic in the upper house why is it not undemocratic in the lower house?

I listened to the remarks of the honourable member for Bendigo East, who has been putting out some rather terrible press statements around country Victoria. I suggest she should take more care with the counsel she takes. She has some talent and ability, but if she continues to peddle the rubbish that has obviously been printed for her by a former honourable member for Bendigo West, David Kennedy, she will quickly lose credibility in this place. She is capable of far better than putting out nonsensical press releases and acting like a smart Alec. All she has done is to highlight the opposition to the legislation that exists throughout country Victoria.

The majority of honourable members are based in metropolitan Melbourne. Some 70 per cent of Victorian seats are in the metropolitan and greater metropolitan areas. A large percentage of the remaining seats cover the provincial seats of Geelong, Ballarat and Bendigo, which during the last election came close to having the same sorts of candidates as those in metropolitan-type seats and in which the Labor and Liberal parties operated as they do in the metropolitan area.

Then there are the rest of us — those representing country Victoria. We face a hell of a challenge in determining how the country will be represented and how it can have a say in the politics of the future. At best, if all the members representing country electorates — including the honourable member for Ripon, whose country electorate is next to mine — were on the same side and going in the same direction, which would be lovely to see, we would still account for only 20 per cent of the membership of this place. In considering constitutional change the pressure is on us to ensure that we do not create an even stronger metropolitan base.

The Constitution (Proportional Representation) Bill, which will repeal this bill, is coming on for debate next week. It provides for a system of proportional representation in the upper house that by definition would require the three provinces that will be primarily outside the metropolitan area to include a certain number of metropolitan seats. The bill provides that each province will comprise 11 Legislative Assembly districts. However, because there are fewer than 33 seats in country Victoria, the proportional representation system proposed by that bill means that two of the three provinces will have to run straight into Melbourne — and Werribee, Geelong, Ballarat and Bendigo will make up those.

Those of us who are considering the future are wondering why more emphasis is not put on territorial representation. The house has debated proportional representation before. For party politicians proportional representation takes the heat out of the political arguments: if they are on top or near the top of their party list, no-one can ever get at them. If they do not want to take up an issue of concern to a small community in, say, the north-west or Ripon, they do not have to because under proportional representation their votes will come from the major provincial centres.

**Ms Davies** interjected.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Gippsland West will get her chance in a moment.

**Mr STEGGALL** — I must explain some basic philosophies to give the house an understanding of how country people think they can be best represented in this place. The current system has worked very well. There have been criticisms of the upper house, including the suggestion that despite its numbers the National Party, being the smallest party, does not receive a very big vote.

To get elected in any province a candidate has to get 50 per cent plus 1 of the vote, so every National Party member in the upper house has received more than 50 per cent of the vote in his or her province. Why the claims of a Labor Party Premier and his backbench that the upper house is undemocratic are printed by journalists, let alone listened to and given credence, has me tossed — but that is what has been happening.

Our vote is always measured against the total vote in Victoria, and as a result in Victoria — —

**Mr Helper** — I raise a point of order on the issue of relevance, Mr Acting Speaker. The honourable member for Swan Hill has been speaking for 10 minutes, and he now seems to be straying from the issue and pre-empting debate on another bill rather than discussing the fact that this bill is about four-year terms for the upper house.

**The ACTING SPEAKER (Mr Lupton)** — Order! I do not uphold the point of order. I believe the honourable member's remarks have been relevant.

**Mr STEGGALL** — I point out to the honourable member for Ripon that if he examines the bill he will see that it mentions both pieces of legislation. If he is so precious about constitutional reform, about the forms of Parliament and about the way we elect and divide up the constituencies, I wonder why he did not have far more to say on the bill in his party room, because it will rip him apart. However, it might not worry him too much, because it will reduce the effectiveness of the territorial representation of his electorate, just as has occurred in the Australian Senate.

I would be interested to hear whether anyone can say where Victoria's senators are located and how many we have. Very few people can name their senators, nor do they ever have much contact with them. We do not want to have an upper house in Victoria in which representation gets lost, like the upper house of New South Wales and the federal Senate.

**An honourable member** interjected.

**Mr STEGGALL** — As my colleague says, the upper house members of the New South Wales

Parliament all have offices in Sydney. I do not think that ensures country members' participation in the government of the state. I take up the point raised by the honourable member for Ripon about four-year terms. Why would I waste my time talking about a measure that provides for four-year terms when the next bill the government intends to introduce will repeal it?

**Ms Davies** — It will not.

**The ACTING SPEAKER (Mr Lupton)** — Order! The honourable member for Gippsland West will get the next call. I will not ask her again to cease interjecting.

**Mr STEGGALL** — Another concern is the removal of scrutiny. The debates in the upper house are pretty interesting. If the upper house does not change and amend legislation it is labelled as useless and accused of not doing its job, but if it makes amendments it is accused of being obstructionist and upsetting government.

Let's be fair dinkum about this. We must have a system with checks and balances. Not all systems work properly and well all the time, but we must have a system that at least gives us the chance of making it happen. All honourable members are aware that this place does not always work as we would like. But it is our responsibility to make every effort to ensure it does so whenever possible.

I turn to the notion of having staggered upper house elections and to the myth that today's upper house members have eight-year terms. I invite anyone to show me an upper house member who has ever had an eight-year term. Not one can be found!

The bill introduced in 1984 by the then Labor government was passed. The act provides that a term of the upper house be twice as long as a term of the lower house. The act also provides that the lower house can go to an election from the end of its third year in office and that the government must hold an election during its fourth year in office.

There was a lot of agonising over that proposal. Finally it was decided that it was a pretty good system. It would give a government some security as Parliament was effectively saying to any government, 'You won an election; you have three years to put in place the policies for which you have a mandate, and you can call an election at any time in the fourth year'. After some two years of discussion, the National Party, the Liberal Party and the Labor Party passed the bill.

The current proposal has not been discussed; there has been no consultation between the parties on the bill. Members of the government will feel the effects of how members opposite react to what the government is trying to do. The government got off to a pretty good start but unfortunately now it is considered to be saying one thing and doing another. That is something members opposite accused some members of the former government of doing. Within a year of the government gaining office its members are travelling along the same path. I suggest members of the government be wary, as the slide is very big and slippery! During question time the Attorney-General made a great song and dance. He should bear in mind that the descent on the slippery slide from a vote of 78 per cent is awfully quick and very severe.

**Mr Nardella** interjected.

**Mr STEGGALL** — It is a lot easier to come down! Believe us — we know!

The proposal to remove from the upper house the power to block supply or, as I suggest, the scrutiny by Parliament of the Treasurer so that a second opinion is provided, has not really been discussed very much. Today we have here our colleagues from the House of Commons. The upper house of their Parliament does not have that power. The House of Lords has the power to object to and send back a supply measure but it does not have the power to block supply.

During the last century, before the party structure was put in place, Victoria had the problem of the upper house continually blocking supply. I suggest that in this state any structure or group of structures — that is, political parties — that use their numbers in the upper house to block supply without agreement amongst the population would be absolutely crucified. The only way anyone could do that would be with total public support and in extreme circumstances.

I heard the honourable member for Tullamarine telling the house that the sword of Damocles hangs over the lower house because of the threat that the upper house might block supply. She has been here for only 5 minutes but she knows that that has not happened to a government in Victoria for a long, long time. Nor will it, unless a government acts in such a way that the populace demands that that sort of action be taken.

The bill has no future because of the process by which it has been introduced in this place. Victoria does not want its constitutional reform carried out as has been attempted by the introduction of the bill. The government introduced one bill but decided it was a bit

hard to get it through and that it would introduce two bills instead. It did so without the public debate and consultation that was undertaken in the 1980s by a former Labor Premier, John Cain, along with everyone else. All honourable members have an interest in ensuring that this place and the governance of the state of Victoria are the best we can possibly make them. The bill does not do that.

**Ms DAVIES** (Gippsland West) — I am very pleased to speak on the Constitution (Amendment) Bill, and I will make sure I speak on this particular bill, which is one of two. The other, the Constitution (Proportional Representation) Bill, will be debated later.

This bill is important. It is part of the effort to improve the operation of Parliament in this state. That does not necessarily mean that I approve of how the government introduced the proposed legislation into the Parliament. I agree with elements of the contribution of the Deputy Leader of the National Party when he said that there should have been a lot more public discussion and overt lead given by the Labor Government on the measure. However, I can understand why that approach was taken.

It is somewhat depressing that the National Party showed no preparedness to even discuss the issue. Just a couple of minutes ago the Deputy Leader of the National Party in his contribution was rightly berating the government over its lack of public discussion and negotiation on the bill. He said that the National Party was happy to negotiate on the issue if it had been given the chance to do so. However, the most detailed contribution from the National Party on the issue was 'No'. That was the extent of the National Party's negotiation!

Last September the people of Victoria rejected a government that had too much power. They voted in a way that ensured that the executive government had to work with more people, within both Parliament and the community. They voted in such a way that no matter who ended up as the government, we would have more balance shown in the exercise of power.

During the time that the Independents were developing the charter and negotiating with the parties, we were also taking submissions from a large number of other groups in our society. During that period I spent time with a number of constitutional lawyers. There was very considerable pressure from those fairly eminent people, who said that achieving constitutional reform was the most crucial and significant task that the Independents should be seeking to achieve. Rather than

quoting those constitutional lawyers, whom I have not asked permission to quote, I will quote from the *Age*. The editorial in the *Age* of 6 October last year includes the subheading:

Independent MPs should insist that the Premier accept their proposals for parliamentary reform.

The editorial goes on to say:

The experience of proportional representation in the Senate has been that the minor parties and Independents who hold the shifting balance of power in that chamber have generally done so responsibly. Most government legislation is passed without significant delay, and contentious legislation for which the government of the day can claim a clear mandate is passed after scrutiny by the Senate's extensive committee system.

It is this element of intensive scrutiny that is missing from Victoria's present legislative processes, and the Kennett government —

or what follows on —

could give no surer pledge of its intention to govern differently in future than by increasing the scope for such scrutiny.

The *Age* editorial of 9 October 1999 states, in part:

As the *Age* has noted before, the coalition has obvious reasons for not wanting to change an electoral system that gives it a two-to-one majority in the Legislative Council ... But Mr Kennett should beware of treating the coalition's upper house numbers as his toehold on power.

I think his toenail broke.

I assure all honourable members that at that time I was acutely aware that only the then coalition had the guaranteed power to deliver that very important reform. Despite my well-documented physical difficulties when faced with dealing with the then Premier, I did heed that message. I understood that responsibility. However, in the end the then Premier, with the help of the National Party, which just said no, refused to countenance that reform and took himself out of contention.

This bill seeks to detail and enact two points from the charter developed by the Independents. The first is a fixed four-year term, in the sense that it aims to set a fixed date, with some minor flexibility for elections to be held if there are truly extraordinary circumstances, and also aims to reduce the term of the Legislative Council from a current seven or eight-year term to a reasonable four-year term.

The first point concerning a fixed four-year term is simple. None of us can have any doubt that currently premiers and prime ministers use the power they have

to call elections to manipulate the system for their own political gain. Both sides do it; all governments do it. Before every election there are months of speculation. People ask questions such as, 'When will he call the election?', 'What is going to happen?', 'Will it be a week; will it be three weeks; will it be six months?'. Such speculation is bad for members of Parliament, bad for business, bad for the proper operation of government and bad for democracy.

The majority of people are dependent on government action and a fixed four-year term will allow them to plan. It will allow governments to have a proper period in office, and will mean everyone will know when it is time for campaigning to start. I regard that as fairly logical, sensible and uncomplicated. Parliament's term will be fixed and there will be a chance to see how it works. I hope to encourage the National Party and the Liberal Party to realise that it is not such a disastrous concept after all.

The second part of the bill which is relevant to the charter will reduce the currently excessively long parliamentary terms of members of the Legislative Council from seven or eight years to a reasonable four years. So far as I am concerned becoming a member of Parliament should be regarded as a great honour and a hard-fought responsibility. Eight-year terms are excessive and lead directly to the public perception of unrepresentative swill. I have yet to see an upper house member who is actively involved in campaigning even every second election; they go on the party ticket and they ride in on the campaign of the lower house member.

It is significant to me that the first piece of legislation that will be fully rejected by the Legislative Council in eight years of disaster for rural Victoria will propose to reduce the terms of those members to a proper four-year period. Members of Parliament who must face an election every four years will have to work. They will not have time to run private businesses, go off and study or improve their golf handicaps, as one upper house member discussed with us some time ago — and they will not be able to be invisible.

I do not care which party they are from, they should not have time to do anything of that nature. One term of four years will help upper house members learn to work harder.

I will give a short history of Gippsland West. The province of which Gippsland West forms a part is on the border of rural and metropolitan Victoria. Before my election it had not had rural representation in its history. There were two virtually invisible upper house

members although sometimes I saw the Honourable Ron Bowden's picture in the newspaper doing vaguely celebratory things. Before 1997 he was occasionally in Gippsland West, but nobody in the electorate had any idea who the other upper house member was. He was a complete waste of the taxpayers' money.

I am cynical when the opposition and the National Party talk about rural representation coming from the Legislative Council, and I emphasise that during the seven years of the Kennett government there was no rural representation. No effort was ever made to vote against rural decimation, and Council members never amended any of the incredibly hard measures for rural areas dealt by the Legislative Assembly.

The upper house province members started to work not because of a sense of responsibility or an effort to be rural representatives but because of a party political effort to retake a formerly cushy seat from me. It was a singularly ineffective effort and turned out to be the secret weapon in my re-election campaign.

I have listened to some emotive opposition accusations about why the Labor government wants the reforms. Reforming the Council is not so urgent at the moment. With its Liberal majority the Council aims to scrutinise current legislation and while there is a bit too much bullying and bluster, it is making the attempt. The problem of untrammelled executive power comes only with a future potential Liberal government. Most people will not trust the Liberal Party with government until the Council is reformed because its current make-up means there will no be proper scrutiny or rural representation with a Liberal government. Members of the Legislative Council, as they exist at the moment, do not represent areas, they represent parties and have shown their spineless capacity to roll over, play dead and do what they are told by their leadership even if it works against the interests of their own supposed constituents.

The former Liberal government spent seven years allowing the bully to run riot, without making any effort to pull the executive into line. The only way that possibility will be changed is to reform the upper house.

The third part of the bill, which is the removal of the Council's power to block supply, is not part of the Independents charter. My colleague the honourable member for Gippsland East has proposed an amendment to reinstate that power but I do not support his amendment. Governments are elected or tossed out on the basis of the numbers in the lower house. One electorate, one member is a direct and area-focused system of representation. The most fundamental

exercise of government is to control the budget, and while I believe the Council, if properly structured, should be able to scrutinise the budget — that was one of the amendments the Independents insisted should be included in the new bill — I do not believe a house of review should have the power to block supply.

I have asked the Liberal and National parties to make some sensible suggestions for reform of the upper house if they reject elements of the current bill. I look forward to hearing from them, although I have yet to hear the countenancing of any need for change.

The Labor government should have had more public discussion of the bill. But knowing the Liberal and National parties were going to dig in their heels and refuse to countenance any loss of their cosy majority or proper reform, made the government feel it was not worth the effort. It is a shame but I look forward now to more public discussion and proper consideration of the need for reform by the opposition.

I support the bill. I want to see reform that will mean governments will face more scrutiny regardless of which party is in power. That is the key. Under the present system the upper house does not act as a proper house of review regardless of the party in power. In my first couple of years in this place I listened ad nauseam to criticism of the previous Cain and Kirner governments.

Yet during that time the Legislative Council was unable to stop the supposedly disastrous actions of that government. In other words, it was completely ineffective.

We all know that the Legislative Council has been completely ineffective during the past seven years. It did nothing to stop the former government's brutal treatment of rural Victoria. The arguments of the members of the Liberal and National parties who talked about the importance of the current rural representation in the Legislative Council were a complete farce and deserve no credibility. The introduction of four-year terms in the upper house is important, because it will mean honourable members in the other place will have to go up for election every four years. The plan is simple and achievable, and it will guarantee that many Council members are made more accountable.

**Mr PATERSON** (South Barwon) — It is a pleasure to contribute to the debate on the Constitution (Amendment) Bill, which is interlinked with the Constitution (Proportional Representation) Bill. As Mr Speaker has said, because the two bills are interlinked the debate can cover both.

The Constitution (Amendment) Bill will reduce the terms of the members of the Legislative Council to match the terms of the members of the Legislative Assembly, fix the term of Parliament to four years, and remove the power of the Legislative Council to block supply. The Constitution (Proportional Representation) Bill will reduce the size of the upper house to 40 members and provide for proportional representation.

When one looks through the two bills one is astounded by the incompetence of the government in drafting them, particularly when one considers that the current system was introduced by the previous Labor government under former Premier John Cain, Jr, following more than two years of consultation with both members of Parliament and the public. When one considers that a former icon of the Labor Party introduced the system we are now debating, one wonders what led the current Labor Party to do an about face. The contributions to the debate from government members have not thrown any light on why they have turned their backs on the changes introduced by former Premier Cain in the 1980s.

When one looks through the legislation, one wonders what the government is trying to achieve. What will be achieved by having matching four-year terms for the two chambers? How will that benefit the people of Victoria? Does the government simply believe it is convenient to have matching four-year periods? The upper house plays a significant role as a house of review, so its term should not mirror that of the lower house. Any member of Parliament or member of the public who considers the changes to the committee system introduced in the upper house since the last election would understand that the Legislative Council's role as a house of review has been expanded and strengthened. It is important that its role is encouraged instead of being torn apart — which is what the government is trying to do. The government is taking on the role of wrecker in attempting to pull apart a system in the other house that is working well.

As we have seen, from time to time the government is somewhat confused about the legislation it introduces. It also seems to be confused about the operation of upper house systems around Australia and the rest of the world. Not long ago we heard Premier Bracks attempting to tell 3AW listeners how upper house systems work. He said to Neil Mitchell:

We did a survey of about 100 countries, their duration and length of term of office of elected officials and not one of those countries has an eight-year term. If you look around Australia there's no-one with an eight-year term. There's a

couple — one in Turkey and one somewhere else — that have an eight-year term or a seven-year term ...

When one looks at the real situation one understands that the Premier was either sadly misinformed by his own advisers or let down by his lack of knowledge of what is happening around Australia. The New South Wales Parliament has fixed four-year terms. Every election half the members of the Legislative Council are elected for a fixed eight-year term.

In South Australia — —

**Mr Lenders** interjected.

**Mr PATERSON** — I take up the honourable member's interjection because it underscores the ignorance of the Premier about what is going on in New South Wales. The Premier indicated to 3AW listeners that Australia had not one example; yet South Australia has a minimum three-year and maximum four-year term between elections. Half of the Legislative Council in that state is elected at each election, so the upper house members have six to eight-year terms. Queensland does not, as we know, have an upper house. The government is confused about detail and about the experiences of the various upper houses around Australia.

The bill is an unnecessary waste of time. Under current legislation the government can lock in a four-year term if it wants to. The Premier can do it today, and I invite him to do so. Then the next government will have exactly four years. He can name the date, and we can all head for that.

The previous speaker suggested there is uncertainty about the issue in business and in the wider community, but that is not true. The Premier can announce the date of the next election this afternoon. It is unnecessary to legislate for four-year periods, and the proposal reveals laziness and weakness in the government. The government cannot cope with the task of dealing with the checks and balances provided by the Legislative Council; that is really what is behind the government's proposals.

Between 1955 and 1970 the Bolte government never had an upper house majority. It always had to negotiate with the upper house; yet, as we all know, Henry Bolte was one of the most successful premiers in the history of Victoria.

In the Cain–Kirner years, disastrous as they were, 97 per cent of bills were passed and supply was never blocked. Members on the other side who are suggesting there is a constant threat of supply being blocked are

living in fantasy land. The question of the blocking of supply can be taken out of this debate.

The government's attitude to a constitutional stalemate is revealed in the legislation and the amendments. The government wants to reduce to one the number of ways in which the Parliament can be dissolved. That strategy is designed to ensure that a constitutional stalemate cannot be broken by invoking one of the current mechanisms but only when the government passes a vote of no confidence in itself. That is an absurd proposal and indicates that the government's legislation is ill conceived.

There has been no consultation on the proposed legislation. The government was elected on a platform of consultation, yet it is attempting to steer through the house with absolutely no public consultation one of the most important pieces of legislation Victoria has seen for many years. It was pleasing to hear the honourable member for Gippsland West, who is an Independent, acknowledge that fact. The government has no mandate for the changes and should be condemned for trying to introduce such major constitutional change without having the courtesy to go through a public consultation period.

Under the two pieces of legislation, which are interlinked, Victoria would have three largely rural upper house seats, and eight provinces altogether. Those super provinces in country areas would each include a large number of major regional centres, and the number of country-based members of Parliament would be reduced. Under those proposals Geelong, for example, would be part of a province that would extend to the South Australian border. Constituents voting in Hamilton might have no upper house member living anywhere near them; so, if they had an issue they wished to take up through their upper house member, they would have to come to Geelong to discuss it with someone there — someone who might well not be close to the issue of concern to the people of Hamilton.

By contrast, there may be no upper house member from the Geelong area to deal with significant issues such as the Country Fire Authority's station at Torquay. Constituents would certainly rely on the excellent representation they receive from their lower house members, but it is also important that on local issues lower house members be supported by upper house members. If there is no local upper house member, that cannot occur.

*Honourable members interjecting.*

**Mr PATERSON** — I will not repeat the interjection of the honourable member for Dandenong North, but as usual he is peddling untruths, which honourable members have become used to.

The real reason for the changes was summed up by *Age* journalist Meaghan Shaw, who after paying a visit to the upper house made some interesting observations. In an article on 1 June she said:

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.

She concluded the article by saying:

Before Labor reforms the Legislative Council it needs to get its own house in order.

That is the real reason for the changes. The Labor Party is embarrassed by its performance in the upper house, which is constantly being observed by members of the public and which has been noted by visiting journalists. It needs to be said that sometimes the government is embarrassed by its behaviour in this chamber as well, as we have seen recently with the Minister for Education.

It is important that the bills are rejected. They are wrongly based and will reduce representation for rural and regional Victorians.

**Mr STENSHOLT** (Burwood) — I support the Constitution (Amendment) Bill, which is another example of good governance and of bringing democracy back to Victoria. The bill aims to create certainty, provide greater accountability and put democracy back into the hands of the electors rather than having it beholden to political whim.

Firstly, I will discuss the issue of parliamentary terms, and in doing so I will try not to wander off into the issue of proportional representation and the accompanying bill. The bill aims to fix the term of Parliament and the terms of the members of the Assembly and the Council so they are the same — that is, four years from one general election to the next. That will serve to eliminate endless speculation, including the scandal of waiting for a Premier to announce a date.

We all remember when the previous Premier and former honourable member for Burwood kept Victoria, or at least the press, in a state of anticipation and tension for weeks. The press was in an absolute froth, which the former Premier himself beat up. In the end, when announcing the date of the election one of his arguments was that he had to end the uncertainty,

which he said was not in the best interests of the state. The former Premier would not have had that trauma if there had been fixed terms.

The argument the former Premier used in calling the election is essentially the argument in favour of the bill: it will provide certainty and remove the element of whim — possibly we should call it the whimsy of jeff.com — from the democratic process.

*Honourable members interjecting.*

**Mr STENSHOLT** — I note that fixed terms are used by the third tier of government, namely local councils. The notion of fixed terms for councils was recently re-enshrined in our democratic processes by the former government.

Was there any debate about there being no fixed terms or whether the term could be reset by the local mayor or chief executive officer? No, it was seen as normal and acceptable and as the most sensible procedure to operate in our system of democracy. It was also said to be the practice in many other countries and democracies.

I note the claims of the opposition on this issue. The honourable member for Kew claimed that this would result in United States-style presidential election spending and conventions. Maybe he is fascinated by the balloons and elephants seen on posters on those occasions.

The logical connection fails me. Why would four-year terms result in more expensive elections simply because they are fixed? They might actually mean a bit more order in the marketplace — we would all know what is going on and would be able to plan. We would have sensible election funding and arrangements rather than the state of uncertainty that now surrounds the naming of an election date.

The honourable member for Bennettswood claimed that the government has no mandate to talk about constitutional reform and reform of the upper house. He peddled around the place a brochure that states:

The ALP has no mandate for these changes ...

He fails to realise that a lot of people who have been elected into this place now make up the government. As the member for Burwood I remind him that the people of Burwood voted for bringing democracy back to Victoria. It was a key plank on which the by-election was fought. I also remind him that Burwood is next to Bennettswood. There was a massive swing of over 10 per cent in the by-election, and one of the issues that

came through repeatedly was democracy and good governance. The bill is another example of that.

**Mr Mulder** interjected.

**Mr STENSHOLT** — Don't tell me about mandates on this one. We have a mandate to promote democratic change in Victoria.

As part of the Liberal Party's campaign of scaremongering and misinformation the pamphlet referred to by the honourable member for Bennettswood misrepresents the government, but virtually nothing in the pamphlet relates to what is in the bill. It says nothing about fixed four-year terms, because the Liberal Party does not like to talk about that. It prefers to scuttle away and have the famous eight — that is, eight year terms. There is nothing in the pamphlet about eight year terms except a vague reference to Senate-style terms of office — whatever that means. That is no reference to other Senate-style forms of government, such as proportional representation. But no, that is anathema to the Liberal Party, whose pamphlet talks about blank cheques and threats to the constitution. It is all done by indirect reference.

There is nothing in the pamphlet about the Frankston East anomaly or the issue of supply, although I note that there is a quote from Mr Eight Per Cent, the present Leader of the Opposition:

Labor's changes to the upper house would cripple a vital democratic safeguard and give the government a blank cheque ...

What hypocrisy! What happened during the seven years of the previous government? How vitally democratic a safeguard was the Council at that time? What happened to it? There was a crippling of vital democratic safeguards in Victoria. There were blank cheques all around for the then government. There was not a lot of review or scrutiny. It was a case of 'let the 700-odd go through'. What happened in the upper house to the notion of debate and review during that time?

In spite of several hundred sensible amendments proposed on Workcover legislation, how many were accepted? It is my understanding that none was accepted. The government of that time had the temerity to later bring in legislation that covered some of the amendments that had previously been suggested. But did it accept them in the house of review, after cool, in-depth debate and consideration? No. It said it could not accept them, but later it brought them in because they were sensible. The process in the upper house did

not work to make sure that the amendments were properly considered at that time.

Clause 4 deals with the duration of the Council and gives it the same duration as the Assembly. Currently, Council members are elected for a term of up to eight years — that is, two terms of Assembly members. The number eight seems to be popular today — popular because it is unpopular.

Eight years is too long. A term of that length is not consistent with a modern democracy such as Victoria's. People expect their members to represent them and represent their current understandings and the way they view the world today. Half the members in the upper house were elected in 1996 — four years ago.

It is a job for eight years. What great job security! What is even better, upper house members have only limited accountability because they do not have to stand as candidates at the following election. For example, the views of the electorate in 1996 were different from what they are today, so half of the current upper house members were elected in circumstances that were completely different from those that prevail today.

In my area, the Honourable David Davis was elected to East Yarra Province in March 1996 and did not face the electors at the 1999 election. He is part of an upper house that blindly followed the Kennett agenda that was soundly repudiated by the electorate at the 1999 election and at subsequent by-elections in Frankston East, Burwood and Benalla. Where were the Honourable David Davis and his colleagues when schools were closed, when the Burwood hospital was closed and when Victoria's democratic institutions, including the office of the Auditor-General, were dismantled. Mr Davis was elected in 1996 but his party's policies were repudiated by the electorate in 1999. People like him are still there representing a stale mandate — a failed mandate.

The second upper house member for East Yarra Province, the Honourable Mark Birrell, at least faced the electors last time. He recently went into print but unfortunately his article contains misinformation. It states that Parliament is debating the abolition of the upper house. What understanding and depth of analysis does it reveal when the Leader of the Opposition in the upper house states that the Constitution (Amendment) Bill and the Constitution (Proportional Representation) Bill are about the abolition of the upper house? The article is extraordinary and is full of misinformation.

The bills are about reforming the upper house by introducing a more democratic approach to Victoria.

They are about ensuring that members are elected every four years, not every eight years, and that they thereby represent the people of today — not the people of yesterday, of 1996, but the people of 1999–2000. Victorians want current and representative democracy. They do not want people representing the failed past and failed mandates. They do not want stale people who lack imagination and do not analyse various issues properly.

The bill is about reform and a change to a more democratic Victoria. The only argument Mr Birrell has for an eight-year term is that it provides opportunities for more reflective and sustained debate. What has that to do with the bill? I know that eight is an important figure today, but eight years has nothing to do with reflective and sustained debate. What happened in the upper house during the previous seven years was not the result of reflection but of knee-jerk reaction. The article does not say much about what happened in those seven years, but draws examples of analyses from former times. What Mr Birrell is saying is a non sequitur. The opportunity for more reflective and sustained debate is not provided by eight-year terms but by the processes of the upper house.

The bill concerns parliamentary terms and democratic representation, which is what the constitution is about — people representing Victorians, or in other words representatives of the people who are meant to be representatives of today, not of yesterday. No argument has been put forward against four-year terms, against a democracy that elects its representatives on a regular basis or against a democracy that has representatives who bear a contemporary relationship to the will of the electorate. Clearly it is more democratic to have an up-to-date Parliament that enjoys a current mandate in both chambers and is delivered by voters on the basis of one vote, one value.

I turn to clause 13, which deals with the Frankston East situation. I am surprised that both the Liberal Party and the National Party have stated an intention to oppose the bill. It is so easy to forget the National Party because it is no longer part of the opposition and does not seem to represent the country. The Labor Party and the Independents seem to represent the country now.

*Honourable members interjecting.*

**Mr STENSHOLT** — What happened in the Council over the past seven years? Where was the country representation? Indeed, where was country representation in the lower house? The Liberal and National parties are opposing the bill, and in doing so they are opposing clause 13. I should have thought they

would support the change because it has nothing to do with upper house reform and relates to the conduct of elections.

It is to do with amending the constitution in a way that enables us to remove anomalies like the one that arose in Frankston East. I urge honourable members to support the amendment and not reject its obvious logic.

I also note that part 2 of the bill contains provisions to end the ability of the Legislative Council to block supply. I know that blocking supply is not a common occurrence. The history of the Legislative Council shows it has occurred a number of times, mostly 100 years or so ago.

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

**Mr THOMPSON (Sandringham)** — I will focus principally on the right of the upper house to block supply. Firstly, I mention the contributions by the honourable members for Tullamarine and Gippsland West. I am pleased to note that the honourable member for Gippsland West has returned to the chamber. She said she did not believe a house of review should block supply, although I understand that that notion is not broadly covered in the Trades Hall or Emily's List handbook.

The honourable member for Tullamarine said she was pleased with the reform to remove the right of the upper house to block supply because it would take away the threat of withholding appropriation and would no longer be used to thwart the will of the people.

I happened to be in Canberra on 11 November — not in 1975, but some 20 years later when those events were revisited. During the course of a scrutiny of acts and regulations conference, a speech was given by Sir David Smith, official secretary to the Labor-appointed Governor-General at the time of the constitutional crisis in 1975. He gave an academic and historical analysis of the constitutional relationship between the Governor-General and the Prime Minister of the day. He has also undertaken some interesting research on the Labor Party's position on the role of the upper house in dealing with money bills.

At the end of his speech he lamented the existence of politicians with flexible principles and journalists with selective or defective memories, none of whom had contributed to the public debate on and a good understanding of the issues in that arena.

According to one *Hansard* report that was noted:

There is no tradition, as has been suggested, that the Senate will not use its constitutional powers, whenever it considers it necessary or desirable to do so, in the public interest. There are no limitations on the Senate in the use of its constitutional powers except the limits self-imposed by discretion and reason.

Sir David Smith went on to note that they are the words not of former Liberal Senator Reg Withers but of former Labor Senator Lionel Murphy, the Leader of the Opposition in the Senate in 1967, who also said:

There is no tradition in the Australian Labor Party that we will not oppose in the Senate any tax or money bill, or what might be described as a financial measure.

Three years later a member of the House of Representatives was reported as saying:

The Prime Minister's assertion that the rejection of this measure does not affect the commonwealth has no substance in logic or fact. [My] party believes that the crisis which would be caused by such a rejection should lead to a long-term solution. Any government which is defeated by the Parliament on a major taxation bill should resign. This bill will be defeated in another place. The government should then resign.

They are not the words of former Liberal Prime Minister Malcolm Fraser in 1975; they are the words of the then Leader of the Opposition, Gough Whitlam, in 1970. Later, when that bill went into the Senate, Senator Lionel Murphy said:

For what we conceive to be simple but adequate reasons, the opposition will oppose these measures. In doing this the opposition is pursuing a tradition which is well established, but in view of some doubt recently cast on it in this chamber, perhaps I should restate the position. The Senate is entitled and expected to exercise resolutely but with discretion its power to refuse its concurrence to any financial measure, including a tax bill. There are no limitations on the Senate in the use of its constitutional powers, except the limitations imposed by discretion and reason. The Australian Labor Party has acted consistently in accordance with the tradition that we will oppose in the Senate any tax or money bill or other financial measure whenever necessary to carry out our principles and policies. The opposition has done this over the years, and in order to illustrate the tradition which has been established, with the concurrence of honourable senators I shall incorporate in *Hansard* at the end of my speech a list of the measures of an economic or financial nature, including taxation and appropriation bills, which have been opposed by this opposition —

that is, the Labor Party —

in whole or in part by a vote in the Senate since 1950.

At the end of that speech Senator Murphy tabled a list of 169 occasions on which Labor oppositions had attempted to do that. Sir David Smith notes that the Liberal-National Party opposition was successful in doing that five years later.

Also in 1970 the Labor Party launched its 170th attempt to use an upper house to block a financial measure introduced in the lower house — a power which the honourable members for Gippsland West and Tullamarine say should not exist.

*Honourable members interjecting.*

**Mr THOMPSON** — I am pleased that government members are getting excited. It shows that they are taking an interest in the debate. This is what Mr Gough Whitlam had to say on that 170th attempt:

Let me make it clear at the outset that our opposition to this budget is no mere formality. We intend to press our opposition by all available means on all related measures in both houses.

*Honourable members interjecting.*

**Mr THOMPSON** — I think Mr Whitlam is credited with saying that applause was the only interruption he tolerated. On this occasion I welcome the interruption of government members, because, as I said, it shows they are following the debate. Mr Whitlam also said:

If the motion is defeated, we will vote against the bills here and in the Senate. Our purpose is to destroy this budget and to destroy the government which has sponsored it.

I repeat that Sir David Smith's major concern during the 11 November 1975 constitutional crisis and afterwards was the selective and defective memories of the press of the day and their failure to research the issue and objectively rather than subjectively describe the views of both sides of the issue.

In the paper he delivered at the conference I attended on behalf of the then Victorian government at old Parliament House, Canberra, on 11 November 1995, Sir David Smith also said:

... it is the occasion to expose the fraud and the deception of those who claimed 20 years ago, and did so again this week, to be injured parties simply because their political opponents succeeded with a parliamentary tactic which they themselves had previously defined so clearly, justified so forcefully, and sought to employ so frequently and consistently!

It may be that the Labor Party has had a change of heart on the issue. I am sure that parliamentary counsel will be scratching their heads, given the range of constitutional reforms that have come in to their offices since the Labor Party raised the issue.

As I said at the outset, I propose to confine my remarks to the blocking of supply, particularly the attempt under the bill to remove the power of the upper house to block a supply measure. I note that the opposition will be

opposing the measure. If history has been accurately recorded and there had not been a hiatus in 1975, it may be that this measure should not have been introduced into the house in such haste and with such a lack of planning on the part of the current government as it has been today.

**Mr SAVAGE** (Mildura) — I support the Constitution (Amendment) Bill, with the exception of the provision relating to the power to block supply. I note the comments of the honourable member for Sandringham when he said 'haste'. Some 100 years of control by the conservatives would necessitate some form of reform. I would not have thought that was inordinate haste. We have waited 100 years for this bill, so it is pretty momentous. Surely democracy has to change with the times, and this is an appropriate time to give some scrutiny to the matter.

Why do members of the opposition have such difficulty with supporting four-year terms? That is something that members of this house have to face and do so willingly. It is interesting to note that during the negotiations on the issue of four-year terms for the lower house it was agreed to by both sides of the house. Although there was some reluctance on the part of the coalition, in the end they agreed to it.

If four-year terms are good for the lower house they must be good for the upper house. I can see no good reason in this day and age to have an eight-year term. The model produces slothful, lazy people or people who are more interested in their golf handicap or doing their masters degrees in business studies than getting out there and representing the people of Victoria.

*Honourable members interjecting.*

**Mr SAVAGE** — Those are some of the things they are doing — or not doing.

It is time that honourable members did a little analysis of the upper house and ensured that the people of Victoria get value for money. Yesterday I noted that in a recent publication the Leader of the Opposition was reported as calling me a reactionary because I was opposed to some of the proposed changes to the Equal Opportunity Act. The Liberal Party is equally reactionary, being opposed to all forms of change when it comes to upper house reform. If we cannot agree, it may be appropriate that the people have some degree of influence as to what the future holds. It seems that the bill will be stalled in the upper house, where people will preserve their sinecure rather than look at democracy in the state of Victoria. Maybe the people of Victoria will

express a democratic wish to change the current inconsistent and undemocratic process.

I note an article in a recent issue, dated 25 August, of a wonderful little paper called the *Buloke Times*, which is published in Donald. The article has a picture of Ron Best, an honourable member for North Western Province in the other place, below the headline ‘Proposal is “preposterous”’. I guess if you were going to lose a four-year part of your term, you would say it was preposterous. Mr Best is quoted as saying that it will be the only upper house in Australia, including the Senate, that does not have staggered terms. Well, there is a complete difference between the Senate and the upper house in Victoria.

Unfortunately, other than saying it is not a good idea, Mr Best does not offer any argument. Where are the arguments for the case that eight-year terms are necessary to make democracy work more efficiently in Victoria? There are none.

I want to know what Mr Best and his colleagues have done for us in the past seven years: council amalgamations, ruined the Auditor-General’s position, FOI — there is a whole list of things.

**Mrs Fyffe** interjected.

**Mr SAVAGE** — We can hear that ad nauseam. Both sides of politics fail in that regard, in that they are always blaming their predecessors. I have had enough of it. It is time that people focused on today. Honourable members are doing an analysis of the upper house, which has given Victoria no protection whatsoever. Its members did not give us much protection when Cain and Kirner were rearranging the finances of this state. That is another example of it not working as a house of review.

Membership of the upper house is a comfortable lifestyle for people who are not producing value for money. Perhaps the Queensland model is the one we should consider here. They were offered a pension if they would clear out. Guess what — they all took it! Where was their loyalty to their state? They thought that was a better option than staying there like the people in the Red Morgue here!

The Independents have been proudly involved in some of the negotiations that have got us to this point where a different, non-party perspective has been put on constitutional reform in Victoria. We are proud to say we had an impact on not reducing the number of seats in the lower house from 88 to 85. We did not notice anybody from the conservative side of politics endorsing that. They whinge and grizzle about

diminishing numbers of seats in the upper house where they do very little, but not about a proposed reduction of seats in the lower house, which is more important.

In the redistribution that will no doubt occur between now and the next election, there is a good chance that three country seats may be lost to regional Victoria. That would be even further impact on regional representation. Where was the conservative side of politics on the issue? Silent.

**An honourable member** interjected.

**Mr SAVAGE** — You can predict quite easily that there will be a redistribution between now and the next election. If you look at the figures — you do not have to be a rocket scientist to work it out — you can see that some seats will be amalgamated into others.

I have grave concerns about an upper house, if it exists, that does not have the right to block supply, and I will not be supporting that part of this bill. The honourable member for Gippsland East will be proposing an amendment to remove that provision from this bill and I will be giving vigorous support to that amendment. While we have an upper house, it should have some legitimate role in reviewing the lower house, but its track record so far on many issues has not been very satisfactory. I suspect that the people of Victoria, if given the opportunity, would have some significant say in the future make-up of the upper house.

With the exception of the provision relating to the power to block supply, I commend the bill to the house.

**Mr PLOWMAN** (Benambra) — Mr Acting Speaker, the Constitution (Amendment) Bill deals with three main issues: firstly, the reduction of the term of the upper house to one term of the Assembly; secondly, the fixing of the term of the Parliament to four years unless a vote of no confidence brings down the government; and thirdly, the removal of the power of the upper house to block supply.

I will deal with each of those three issues separately and in that order. I refer first to the proposal to reduce the term of the upper house to match that of the Assembly. When the constitution was designed, quite obviously the upper house was designed to be different in two fundamental ways: with different and bigger electorates, and always with a staggered time frame for elections. That staggered time frame was a most important element in the way the upper house works.

You, Mr Acting Speaker, having been a member of the upper house, would be aware that that staggered time frame is a vital part of the checks and balances that

were designed in the initial constitution of Victoria to make the upper house truly a house of review.

Upper house members were elected for a six-year term until the Cain government changed it to two terms of the Legislative Assembly. That worked well while there were shorter terms in the lower house, but with the introduction of the existing system of up to four-year terms in the Legislative Assembly there is a question about whether eight-year terms are an acceptable time frame for the election of an upper house member. I believe the public thinks eight years is too long. Premier Bracks often talks about an eight-year term for the upper house, but that has never happened yet, and unless the second part of the bill is passed I do not think it ever will. Invariably governments do not run for the full term — and certainly not for two full terms. It is clear that the upper house will never run for a full eight-year term.

The staggered term was introduced to prevent radical change. Government members often talk about Queensland's not having an upper house and about the radical form of government in that state that is not restricted by the checks and balances of an upper house. The honourable member for Mildura referred to Queensland as an example of what could happen in Victoria, indicating that he favoured the abolition of the upper house. Victorians can be grateful that the state has had a stable government and has been a stable democracy since 1856. One reason for that stability is that the opportunity for radical change has been severely diminished by the increased term of office of the upper house. Big changes in community attitudes are tempered because half of the members of the upper house remain following each election. Mr Acting Speaker, you would appreciate how that has affected the way the upper house has worked over that period.

Another reason for having staggered terms is to ensure that the make-up of both houses is different, and that the upper house is seen to be a house of review. Arguments have been put forward to suggest that proportional representation is required to achieve that result. I do not believe that is the case. Proportional representation should be considered on its own merits and not on the basis that its introduction would make the upper house a better house of review.

On the subject of proportional representation, I was fortunate enough to be in New Zealand soon after the mixed member proportional (MMP) representation system was introduced. In the time I was there it was clear that although the public had voted in a change against the wishes of both the major parties, within six months of that change being introduced the majority of

New Zealanders would have gladly gone back to the old system. Honourable members might recall that it took four months to elect New Zealand's first government under the MMP representation system. What did that do? It gave enormous power to the bureaucracy.

The MMP representation system, or proportional representation, is not the answer. Introducing that system into the upper house will not necessarily make it a better house of review. The truth is that the present system has stood the test of time. Victoria has been a stable democracy since 1856, despite very turbulent times, to which I will refer later, in the 1850s and 1860s. The system has worked well under turbulent conditions, and that is still the most important criterion when judging what should or should not happen with respect to constitutional change to the upper house in Victoria.

For most of Victoria's political history the government has had an opposition-dominated upper house. It occurred during most of the Bolte years, except for about 10 years during that regime, and it certainly happened during the Cain and Kirner periods. During the Kennett regime the Labor Party was so obsessed by the fact that it could not have the degree of control it had during the Bolte years that it wanted to either abolish the upper house or implement changes to ensure its current democratically elected system would be denied. That is scant reason for the recommended changes.

The second major issue concerns fixed four-year terms for the Assembly. That would guarantee eight-year terms for the upper house and the public would not buy that. The public does not want to see fixed eight-year terms for the upper house. It would be better to go back to the fixed six-year terms for the upper house proposed by the Cain government. It might lead to staggered elections. In a twelve-year period there would be four elections, three of which would be for separate houses. It would concentrate the public's view of exactly what it was voting for. Victorians would have the opportunity to see quite clearly what each house had to offer.

There would be fewer elections under that proposal than currently. I do not favour fixed four-year terms, and it will not occur. The opposition will oppose it in both houses. But if it were to happen, fixed four-year terms should be matched by fixed six-year terms in the upper house.

Would a democracy work better with fixed four-year terms in this house? It will not make much difference

and therefore one has to ask why it should be introduced. Such things are usually introduced on the basis that the opposition parties believe the government of the day has an advantage by being able to swing an election date during the period of twelve months or longer if it does not have a minimum term. That argument bears no weight. There are times when a government should have the freedom to call an election when it better suits it. For example, during an election period a drought in country areas might mean that one part of the community was severely disadvantaged, or there might be an economic recession that has no bearing on the state government of the day. In both cases a state government should be able to call an election that better suits its cause because either one of those reasons could impede a fair election.

Politicians underestimate the astuteness of Victorians. If a government engineers a date to suit itself the public is aware of it and makes its own judgment. There is no great disadvantage in having a minimum term of three years with a maximum term of four years and the government having the right to call an election within that twelve-month period.

Importantly in the bill, a vote of no confidence would bring down the government. That determines whether a government is out of favour with the public. If a vote of no confidence came before the Assembly the public would have a chance to judge the government's performance. An opposition that can bring a vote of no confidence to decide whether the government should be allowed to continue is still the best determinant of all.

The third part of the bill deals with the removal of the upper house's power to block supply, which is the ultimate check on executive government. I was delighted to hear the honourable member for Mildura say he would oppose the bill if such power were taken away from the upper house. Its right arm would be removed, and the opportunity to be a check and balance on the executive arm of government is one of its most important roles.

**An honourable member** interjected.

**Mr PLOWMAN** — It is not just so you can do it to a Labor government, it is so you can do it to any executive government that goes beyond the pale. The check and balance of the upper house is a vital part of its existence.

One may ask how often supply has been blocked in the upper house since 1856. The answer is that it has been blocked seven times. The best deterrents are those that are used the least. Since 1856 the ability of the upper

house to block supply has acted as a deterrent. It is one of the most powerful weapons our political system has to keep a check on the executive government.

I will refer to the few times supply has been blocked in Victoria. On 25 July 1865 the Legislative Assembly set aside the McCullough government's appropriation bill. That bill included separate tariff provisions, so the setting aside cannot be directly compared to blocking supply.

Things were turbulent in this place on 20 August 1867. At that time the Legislative Council rejected the McCullough government's supply bill because it included a grant of £20 000 to Lady Darling, the wife of the immediate past Governor. The Legislative Council passed a temporary supply measure that excluded the grant, but it would not concede the grant itself.

On 16 October 1867 the Legislative Council rejected the McCullough government's appropriation bill because it still included the Lady Darling grant. The government removed the grant provision, after which the Legislative Council passed the appropriation bill on 13 July 1868.

Of the seven occasions when supply has been blocked, the government of the day has been brought down on only three. The blocking of supply has been used to put pressure on the government. Mostly the power has been used not to bring down the government of the day but to act as a significant check on the executive government. Today we may say that granting £20 000 to Lady Darling was not a serious issue, but *Hansard* shows that it was important at that time and that the members of Parliament believed it was necessary to use the power of the upper house to bring the government to account.

On 20 December 1877 the Legislative Council set aside the Berry government's appropriation bill, which included a payment-of-members provision that the Council had earlier rejected because it considered the provision to be a 'tack'. A compromise was reached whereby the Legislative Assembly agreed to remove the tack, after which the Legislative Council agreed to pass both the appropriation measure and payment-of-members legislation. That occurred on 3 April 1878. Again, the power of the upper house was used without bringing down the government.

The power was not used from 1877 until 1 October 1947, when the upper house controlled by the Liberal Party rejected the Cain Labor government's appropriation bill. On 2 October 1947 — the day after

the first rejection — the Legislative Council rejected a second appropriation bill. On 8 October a third appropriation bill was defeated. It took the rejection of three appropriation bills before the Cain government conceded and announced that the Parliament would be dissolved.

John Cain, Sr, was in opposition on the last occasion on which the upper house blocked supply and brought down a government. That occurred on 21 October 1952, when a combination of Cain Labor members and Hollway dissident Liberal members in the upper house rejected the McDonald Country Party government's supply bill. The Cain ministry was subsequently sworn in on 17 December 1952.

It is interesting that in 1965 the Bolte Liberal government's supply bill was delayed for 24 hours in the upper house by a combination of the Labor and Country parties. That was another instance of the power of the upper house to block supply being used to put pressure on the executive arm of government — and it is a good example of why the power of the upper house should always be preserved.

**Mr HOLDING** (Springvale) — In Giuseppe di Lampedusa's book *The Leopard*, an impassioned defence of conservatism, Tancredi advises his uncle that if he wants things to stay as they are things will have to change. Unfortunately, opposition members have not taken up the challenge that enlightened conservatives such as Tancredi have taken up in the past. Instead they have acted like reactionaries who are resistant to change and unable to allow institutions — even those that are outdated and antiquated — to evolve in a way that makes them relevant and responsive.

The Constitution (Amendment) Bill proposes to introduce fixed four-year terms for the upper house and the Legislative Assembly. The legislation will also prevent the Legislative Council from blocking supply. Thirdly, the legislation makes some ancillary amendments to Victoria's electoral procedures to ensure a supplementary election will be held when a candidate in an election dies before the conclusion of polling day.

I would have thought that, despite their significance, those provisions were not as controversial as they appear to be. I will deal with the proposal for fixed four-year terms for the Legislative Council. I have listened carefully to the contributions of opposition members to try to understand why they are unwilling to support the proposal. The honourable member for Benambra offered various reasons for believing the

status quo should be maintained by allowing upper house members to continue to have eight-year terms.

Although he conceded that eight-year terms were too long, he said he would vote against legislation that would abolish eight-year terms in the upper house. Secondly, he said that one of the reasons for having an eight-year term is that it prevents radical change. That reasoning has permeated reactionary or conservative thinking for many years. The attitude is that the will of the people as expressed through a general election and therefore through the composition of the lower house is something we should be frightened of. They believe we should be frightened of the majorities that ebb and flow in this chamber because people are irrational, make hasty judgments and are not capable of considering all the implications of the votes they cast in ordinary elections for the Legislative Assembly.

The only safeguard that protects the Victorian people against that is, apparently, the use of eight-year terms and staggered elections for the upper house. I put to you, Mr Acting Speaker, that that is complete nonsense. If we want to live in a democracy where governments are formed through a majority in the lower house — which is the ordinary understanding of the Westminster system — it is appropriate that governments are made and unmade in this chamber. Devices should not be put in place to destroy the ability of an elected government to govern within the ordinary meaning of the term.

I get puzzled when members of the opposition advance the notion that eight-year terms somehow prevent radical change. The idea conflicts with their own approach to local government elections. Many municipalities used to have staggered elections in which each year one-third of council members were elected for a three-year period. There are differing views about whether that was an appropriate mechanism for electing members to local councils; but the Kennett government abolished staggered terms for local councils. It got rid of the people's ability to be protected from the so-called evils of radical change. Now, however, the same people are saying that staggered elections are one of the safeguards in the Legislative Council.

What other arguments do members opposite offer in defence of eight-year terms in the upper house? They say the upper house is a house of review. I have had the opportunity of carefully observing the Australian Senate in action and concede that the Senate is indeed a house of review. Sometimes it is also an 'anarchistic swamp', as it has been described by at least one senator; but it does attempt to function as a genuine house of review. It has a sophisticated committee

system; it has elaborate procedures for redress and for opportunities for debate; it has a sophisticated estimates system providing proper and accountable scrutiny of the executive; and its electoral system — proportional representation — allows the will of the people to be expressed more accurately at elections than is the case in our Legislative Council elections.

Is the Victorian upper house a house of review? I put it to you, Mr Acting Speaker, that it has failed to act as a house of review. How has the Legislative Council acted as a house of review in the past seven years? What legislation has it amended that the lower house passed? What legislation did it reject? What did it do to protect the rights and liberties of the Victorian people over the past seven years? What safeguards did it provide against excessive or out-of-control executive government?

What safeguard did the Legislative Council afford the Victorian people through the appropriate use of checks and balances? In the past seven years how did the Legislative Council use its committee system to protect the Victorian people? How did the Legislative Council use its procedures in accordance with the Victorian constitution to safeguard the rights and liberties of the Victorian people? How did the Legislative Council function as a genuine house of review over the past seven years?

What did the Legislative Council do in the 10 years prior to that when the Labor Party was in government? We all recall early in 1991 when Mr Kennett reassumed the leadership of the Liberal Party and announced his radical strategy to bring about a Legislative Assembly election. Even though there had been an election in 1988 he embarked on a strategy to bring about another election for the Legislative Assembly by using the coalition majority in the Legislative Council. He also threatened the superannuation entitlements of Labor members of the upper house who refused to bring on an election for the Assembly.

It was an outrageous attack on the rights of those members, a disgraceful breach of privilege, and a contempt of Parliament. He was attacked and ridiculed by his colleague the Honourable Peter Costello. Even he could see that it was an outrageous attack on the rights and liberties of those members of the Legislative Council who were not willing to vote themselves out of office and bring on an election before it was due.

That was the approach of Liberal–National Party coalition members to the Legislative Council prior to the 1992 election. They saw their majority in the upper house as a mere device for bringing on an election at

their convenience when they could gain some advantage. However, they did not take the same approach to the upper house during the seven years they were in government. They were unwilling to allow that chamber to fulfil its constitutional charter by acting as a genuine house of review. They were unwilling to ensure that the liberties of the Victorian people were protected through their expression in the Legislative Council.

I have listened to members opposite arguing that staggered terms protect Victorians against hasty or ill-advised change. When opposition members say that the Legislative Council acts as a house of review, let us judge them not on their rhetoric but on their actions when they were in a position to use the council to hold their own government to account. The reality is they were not willing to do so.

What has the Legislative Council done since the last election now that there is no longer a government majority in the Legislative Council but rather an opposition one? We have heard that opposition members in the other place intend to vote against legislation that will reduce their terms. We have also heard they will vote against using proportional representation to elect members of the upper house. They will also vote against the establishment of supervised injecting facilities, even though there is absolutely no doubt that the Labor government was given a clear and specific mandate to do so by the Victorian people at the last election.

Since 1991 it has been Labor party policy to introduce proportional representation, four-year fixed terms and other measures that opposition members in the upper house have now said they will reject. They reject the notion that the Labor Party in the Legislative Assembly has a mandate to implement those measures. For the first time we are expected to believe that the Legislative Council is about to become a house of review, simply because the government no longer commands a majority in the Legislative Council. I ask all members of the public, as well as members of this place, to judge the opposition by its actions in government and in opposition, not by its rhetoric.

I will briefly address those aspects of the legislation that deal with the blocking of supply. There is no doubt that under the Westminster system government is expressed through the ability of a party or coalition of parties to form a majority in the lower house — which in Victoria is the Legislative Assembly. It is in this chamber that governments are made and unmade. That is a fundamental element of the representative system of government which operates in the commonwealth of

Australia and which we inherited from Great Britain. When they go to an election Australians know and understand that the elected government will be able to govern. They do not expect that it will be frustrated by people who were elected four or possibly eight years ago.

The fundamental expression of a government's ability to govern is its power over supply, which the Westminster system clearly envisages. The power to initiate money bills, which lies exclusively in this chamber, is a fundamental component of that. It is an abuse of the Westminster system for an opposition to use its majority in the upper house to reject supply to a democratically elected government. However, it is appropriate that those bills are subject to proper scrutiny.

Money bills are not like other pieces of legislation because they deal with the ordinary appropriations and functions of the executive branch of government. They are not about mere legislative change. They represent the executive government's ability to run government departments in accordance with the appropriations assented to by this house.

I urge all members to support these measures, which will ensure that this chamber has the sole and exclusive right over money bills. The measures are based on custom and practice in the House of Lords. They also mirror the arrangements in the New South Wales Legislative Council. They are neither new nor radical: they have been tried and found to be reliable and appropriate in other Westminster parliaments.

In conclusion, I will deal with the provisions relating to a supplementary election following the death of a candidate on election day. I was staggered to learn that the opposition is not willing to support those provisions. Even if it intends to reject fixed four-year terms and the blocking-of-supply amendments, it should be willing to support a measure that would resolve that anomaly once and for all. I ask the house to consider the report of the Victorian Electoral Commission entitled *Administration of the 1999 Victorian State Election*, pages 60 and 61 of which contain recommendations for legislative change.

To digress, one of the recommendations the Victorian Electoral Commission has made is that only those electors who are enrolled and live in an electorate should be entitled to vote in an election for that electorate. I have spoken on that matter numerous times, so I do not intend to canvass it today. However, I am sure that honourable members will be pleased to see that the Electoral Commissioner has finally

recommended legislative action to ensure that all members of the public and the Parliament vote in the electorate in which they live and not in another electorate.

The recommendations on page 61 of the electoral commission report deal with the death of a candidate on election day:

On election day at the 1999 state election, the Electoral Commissioner was advised that a candidate had died. There was no precedent for this having ever occurred in Victoria's electoral history.

The Electoral Commissioner's view was that in these circumstances Victoria's electoral law required the election be declared a 'failed election' and a fresh election (called a supplementary election) be held. Prior to making the decision to direct polling officials to stop issuing ballot papers for the relevant electorate (Frankston East district), the Electoral Commissioner sought advice from the Victorian Government Solicitor. The Victorian Government Solicitor confirmed the Electoral Commissioner's view on what was required.

The report concludes:

The legislation needs to be amended to clearly specify that if a candidate dies at any time between the close of nominations and the close of voting on election day the election will have failed and a new election will be required.

That is an important amendment that is not politically controversial. It has been suggested by the Victorian Electoral Commissioner to address an anomaly in Victoria's electoral laws. It is an appropriate amendment that will remove the uncertainty and overcome the angst that occurred not only in Frankston East but all across Victoria on election day. We all recall the tragic circumstances that led up to the situation the voters of Frankston East found themselves in.

The bill will remove any legislative uncertainty should that situation recur by declaring that an election day covers the period up to and including the 6.00 p.m. close of polling places on that day. It is a simple amendment that the Victorian Electoral Commissioner has asked the government to adopt. I urge honourable members to support that part of the legislation to ensure that the anomaly is finally resolved.

Honourable members opposite should think again about four-year terms. They are an excellent means of ensuring that the Legislative Council remains a relevant chamber.

I am not advocating that the Legislative Council be abolished. However, if we aim to ensure that it functions as a genuine house of review and not as an obstacle to reform, we need to make certain that its

characteristics and functioning are kept modern and up to date. I urge honourable members to support that aspect of the legislation.

Secondly, I urge honourable members to consider very carefully the question of the blocking of supply and to make sure that we have in place procedures guaranteeing that governments that are elected in the Legislative Assembly are able to govern in accordance with the ordinarily understood notions of their term and that the power of the executive and the lower house over money bills is supported and upheld rather than diminished in any way.

Finally, I urge honourable members to consider their views on the provisions dealing with the death of a candidate before an election day. It is a sensible provision, and the Victorian Electoral Commissioner has urged the government to adopt it. I urge all honourable members, even if they support nothing else in the bill, to at least support that.

**Mr KOTSIRAS** (Bulleen) — It is a pleasure to speak on the Constitution (Amendment) Bill.

Ironically, when the Labor Party was in opposition it promised open and accountable government. Now that it has gained office it wants a blank cheque to ensure that it does not have to be open and accountable.

The government has to realise that the upper house has provided stable government for decades. There have been many governments from both sides of the house that, despite not having the numbers in the upper house, have been able to carry out their duties without interference. During the Cain–Kirner years approximately 97 per cent of the legislation was passed by the upper house.

The Legislative Council is fair and democratic. It uses the same electoral system as the lower house — that is, one vote, one value. As soon as it won office the Bracks Labor government put in train changes to the upper house. However, in its eagerness to destroy the workings of the upper house, it did not think carefully before drafting its legislation. As has now become a trademark of this government, it withdrew the first bill.

One would have thought that the government would have learnt from that first attempt and come into this house with some good legislation the second time. Unfortunately, that was not to be. The second bill is equally flawed and politically motivated by a party that is narrow minded and set on abolishing the upper house.

I point out to government members that the only reason that this bill is before the house is for the sake of self-interest and self-preservation. I remind the government that this place is the people's Parliament, not the Labor Party's Parliament. I further remind government members that it was John Cain's Labor government that introduced six-year minimum terms and eight-year maximum terms for Council members. It is therefore unfortunate that the Bracks government is trying to play political games with the workings of the Victorian Parliament.

The Labor Party has no mandate to alter the term of the upper house because there was no public debate about upper house reform prior to the last election. The honourable member for Footscray said the government had that mandate because it won two by-elections. That is a joke. Upper house reform was not discussed in detail during those two by-election campaigns. It is farcical to suggest that the Labor Party has a mandate to bring in this reform.

The public does not believe Labor should be able to gain control simply by bringing in a bill. An article in the *Herald Sun* of 31 May states:

But the Liberals' obligation does not extend to allowing reforms that could paralyse government in this state.

In his second-reading speech the Premier said:

... following consultation with a number of persons, including the Independent members of this house and the non-government parties, the government has decided to alter some of the proposals in the reform bill and to replace that bill with two bills ...

He has not done a good job because there are amendments to the bill. If his claim were true, the Independents would have supported it.

The bill deals with three changes to the upper house. Firstly, it reduces the Council term to one term of the Assembly. It fixes the term of the Parliament to four years. Currently, an election can be called after the expiration of three years, if supply is rejected or if a bill of special importance is rejected. The bill removes the power of the Council to block supply.

The only way we are going to be able to have an election is if the government party moves a no-confidence motion in itself, which is impossible because that never happens. We could go for four years with no legislation and there could not be an election because the party in government would not move a no-confidence motion in itself.

The Labor government is attempting to alter the upper house without public consultation. There has been no debate and no proper explanation to all Victorians, including those from multicultural backgrounds who have come here as refugees and who have chosen Victoria to be their home because of civil unrest in their homelands.

The Labor Party claims that nowhere else in the world do members serve an eight-year term and because eight-year terms exist in Victoria there is a need to change. On 15 August on radio 3AW the Premier said:

We did a survey of about 100 countries, their duration and length of term of office of elected officials, and not one of those countries had an eight-year term. If you look around Australia, there's no-one with an eight-year term ... There's a couple — one in Turkey and one somewhere else — that have an eight-year term or a seven-year term ...

Unfortunately, the Premier forgot to look at other states in Australia.

The New South Wales Parliament has a fixed four-year term and only half of the Legislative Council members stand at each election. New South Wales upper house members have a fixed eight-year term, as is the case in South Australia.

The Premier's argument is false and disappointing. The purpose of an extended term is to provide continuity to a house of review. Each member in the upper house brings a different perspective to the legislation and is representative of the community. The Constitution (Amendment) Bill would give the Labor Party a blank cheque because the upper house would not have the ability to scrutinise its actions. There is no sound reason to alter the term of members of the upper house. The bill will serve no purpose. Its only achievement would be to strip the power of the upper house and allow the government to later abolish it.

The government should spend time teaching its ministers in the upper house to perform better. An article by Meaghan Shaw in the *Age* of 1 June 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.

For those reasons, I do not support the bill.

**Mr HOWARD** (Ballarat East) — I am pleased to speak on the Constitution (Amendment) Bill and commend the Bracks Labor government on its introduction. The bill addresses two key issues in the reform of the Victorian constitution. Although the publicity associated with the bill has concentrated on

reform of the upper house, a further significant part relates to the introduction of a four-year fixed term for the Legislative Assembly.

All Victorians would support the latter measure because it would provide certainty, and it should be supported by all honourable members. A fixed four-year term would provide certainty and continuity in government planning, in the operations of the public service and for all who deal with government. Political opportunism would be removed from election timing. The government's move to adopt a four-year fixed term is to be commended.

The honourable member for Bulleen suggested that the move to a fixed four-year term is politically opportunistic, but the government is giving up opportunities for political opportunism. Instead of picking an opportune time for the next state election it is prepared to provide Victorians with a greater degree of certainty. The all-too-familiar press hype about when an election might be called, and the resultant instability, would disappear. The introduction of the bill is the reverse of an act of political opportunism.

Australians believe that four years is the right length of time for any government to be in office without an election. Over the past 20 years state governments have moved from their original three-year terms to four-year terms. There was a clear move under the Hawke federal government for the federal Parliament to move to a four-year term. Unfortunately, Mr Peter Reith, a minister in the current federal government, and the conservatives, managed to throw in so many red herrings to confuse the public that instead of supporting that sensible move the public rejected it in a referendum. I commend fixed four-year terms to the house.

I turn now to the upper house. There is obvious logic in the proposal that the upper house should also conform to the generally accepted position that in a democracy an eight-year term takes away a sense of representation because members of Parliament do not have to face the people for such a long period. Even an earlier speaker on the other side suggested that an eight-year term was too long. Members are not kept on their toes when they are elected for eight-year terms. Such terms are not in the interests of a healthy democracy. The move to have all members of the upper house elected for four-year terms is a clear attempt by the government to examine general standards of what is healthy under a democratic system. To ensure that no member stands for a term of eight years is a sensible way of keeping members accountable to their electorates.

A term of four years is appropriate because it would bring the upper house into line with elections in the lower house. Honourable members on the other side have commented on why that would be a bad thing and on the advantages of the upper house having a system of so-called checks and balances. However, whenever a new government is elected the upper house lags four years behind. How does that present a system of checks and balances and how has that come about?

Let us examine history to find out why we have an upper house. Australia inherited the concept from Great Britain. Why does it have an upper house? It all comes from the traditions that developed when democracy was first introduced. Because the English aristocracy did not want democratically elected governments to have a full say in the running of the country, it established a House of Lords — with all the barons, marquises and so on having the authority to veto anything they did not like a democratically elected government doing. The Victoria's upper house came about for the same reasons.

Fortunately Victoria does not have life peerages or inherited peerages, so we do not have the barons, the marquises, the earls and all the other titled aristocrats. However, we have continued with the Westminster notion of an upper house. To find out whether that system provides the appropriate checks and balances, I will examine the record of the upper house over the past seven years or so.

As the house has already heard, when the upper house was aligned politically with the former government it did not challenge or reject any bills that came before it. It certainly was not a house of checks and balances; instead it was the house of the rubber stamp. Whenever the majority of the upper house has been of the same political colour as the house of the government, it has not been an effective house of review — and that is not very helpful to government.

If we are to have a proper system of checks and balances we need a system of a different complexion. Certainly the other bill on the agenda, the proportional representation bill, throws up a new and different system of electing members to the other place. However, having lagged terms in the upper house means that if the government changes, the upper house can become either the house of the rubber stamp or, as we have seen even under this government, the house of frustration. At present the Legislative Council is not trying to assist the government; instead it is using its party political numbers simply to frustrate the government's program. It is not in the interests of democracy to have such a system.

The Constitutional (Amendment) Bill tries to give the upper house a different complexion. The only way that can work is if the people who vote at elections every four years have the opportunity to elect members of the same party to the house of government — the Legislative Assembly — and the Legislative Council, as they did for the province of Ballarat at the last state election.

As a result of the misplaced advice given to the former Minister for Health, the people of Ballarat had the rare chance of voting for all their lower house and upper house members. That is the system that should operate across the board. People should be able to vote for all their members of Parliament whenever they come to vote at election — not just for the house of government and half the upper house.

We all know of the furphies that have been spread by the opposition, which is clearly not working in the interests of a healthy democracy. Its members are spreading all sorts of red herrings and creating all sorts of smokescreens. They have no intention of recognising the realities of the future. They probably would like to have had an aristocracy so they could use their peerages to lord it over the government from the upper house. It is clearly in the interests of Victorians to ensure that whenever there is an election all members of Parliament are elected at the same time. The system of having some members sitting for double terms simply has not assisted in the development of a healthy democracy in this state.

**Mr Doyle** interjected.

**Mr HOWARD** — I am certainly disappointed by the comments of opposition members. I generally find that if people are convinced of the strength of their arguments they can put a logical case; but if they are not convinced they create smokescreens, raise red herrings and deliberately misinterpret the legislation they are debating. That has certainly been true of many opposition members in this debate.

It was interesting to listen to the honourable member for Benambra, who conceded that he believed an eight-year term was too long. At least we hear a little bit of honesty from the opposition side.

The bill also attempts to ensure that the Legislative Council cannot block supply, and it is certainly not appropriate that an upper house could do so. Even the House of Lords cannot do that anymore. It is possible in a few parliaments across Australia where conservatives have been able to dominate, in effect saying, 'We do not want change because we love the old system. It

does not matter whether it works. It has provided some of our upper house members with a steady income and we are not really worried about the best interests of a healthy democracy'. Honourable members opposite want to oppose that amendment as well. It is clearly not in the interests of the state for the upper house to be able to oppose money bills or block supply when it is clearly the role of the government in the lower house to introduce such legislation.

I certainly acknowledge, as have most government speakers, that the Legislative Council has a role to play as a house of checks and balances — and that is what the reform is all about. The bill is about trying to work out how it can be improved so that it can review legislation, be representative and stay in touch with the views of the people. Four-year terms for its members would help to do that. Many of the other changes will also help to enable the upper house to challenge the government of the day, and that is certainly healthy. The government is not trying to do away with a house that throws up healthy challenges; but it is not interested in a house that has a game-playing agenda that does not serve the interests of democracy.

I am certainly pleased to commend the bill to the house. I am also pleased with the comments made by other government members, who have outlined a range of reasons why the reforms in the bill are true reforms. This is not a case of political opportunism. Instead, the reverse is true — it is a case of genuinely trying to provide reform.

It is a great shame that during their seven years in power the conservatives did not develop any opportunities to advance democracy in this state. The honourable member for Bulleen asked why the government changed the bill that it proposed to introduce earlier in the year. Again it was because this is a consultative government.

*Honourable members interjecting.*

**Mr HOWARD** — I know it hurts. You hate the word 'consult' because you just do not like to do it.

That word certainly created problems for the former government, which hated the concept of consulting anybody. Its attitude was, 'We know what is best for people. We will roll on with our bulldozing tactics and push our bills through Parliament. We know our house of the rubber stamp will not question them, so we don't need to consult'. Why consult if you have an upper house that is just a rubber stamp? Honourable members know that that approach does not work. The people of Victoria do not like it and in the end there will be a

backlash because they want consultation. So the bill is the result of consultation.

One of the main reasons that the bill was held up was because the government thought that the Liberal Party would be able to talk seriously about serious reform. The government knew that members of the National Party were not keen on it and would stay in the Dark Ages, but thought the Liberal Party might talk about it. The government held up the bill for quite some time in the interests of consultation, not just with the wider community but specifically with members opposite. The bill was simply thrown back in the face of the government, with the comment, 'We're only playing, really. We weren't serious about consultation. We were only trying to hold it up, really'.

The government had to give up on positive consultation and recognition that members of the Liberal Party could play a positive role in helping advance reform in this state. They are not capable of doing that. The government has had to rely on the consultation it had with members of the general public and the Independents to prepare the very sound bill that has been introduced.

I guess many members of the Liberal Party believe it is a good measure and would be pleased to see the bill passed, along with the associated Constitution (Proportional Representation) Bill. Then there would be two houses with one acting as a house of genuine review and there could be a healthy democracy in this state. I put this challenge to members on the other side of the house: this is your chance, will you stand up for real reform and a healthy democracy? Honourable members know that four-year terms will keep the members of the upper house to a realistic appraisal of what is happening in their electorates; they will be aware that they will be facing an election every four years and will not be able to sit back and lose touch. Will members opposite support a bill that represents genuine reform? That is the challenge. I suspect they will fall back into their role of conservative political game playing. This is a great chance for the people of Victoria and I commend the bill to the house.

**Mr SPRY** (Bellarine) — It is always a pleasure to follow the honourable member for Ballarat East. Tonight he reminded me of a real estate agent and auctioneer trying to draw a bid from the audience. He had absolutely no hope of getting a bid from this side of the house, despite his pleas for earnest consideration!

It is difficult to separate the two bills on upper house reform because much of the content of both bills is interlinked. I was pleased a couple of weeks ago when

the Speaker ruled that some flexibility should be allowed to honourable members to make reference across the two bills.

Despite the apologies the honourable member for Ballarat East has just been making, the fact that the former single reform bill now comes in two parts demonstrates conclusively the government's subservience to the Independents. They would not have a bar of the original bill and insisted that it be divided in two.

The reform agenda is based on a clear desire on the part of the Labor government to have at least some reform of the upper house passed. I describe it as a foot in the door or the thin edge of the wedge. Quite clearly the agenda of the government is not so much to reform the upper house but to eliminate it completely. Let no-one be mistaken that despite what the honourable member for Ballarat East said there is no doubt that in his earlier contribution he was clearly advocating the total abolition of the upper house, as was the honourable member for Springvale, who was saying exactly the same thing.

In case any doubt exists in the minds of honourable members, I refer to comments made by the honourable member for Melton, a former upper house member. His coming down to the lower house perhaps even confirms what he once said. In 1997, at a conference hosted by the Scrutiny of Acts and Regulations Committee, of which he was then a member, the honourable member for Melton referred to remarks made by the Honourable Robert Lawson. He is a respected member of the South Australian Legislative Council and an accepted authority on the structure of government and, incidentally, also in general a supporter of the bicameral system of government. In his paper he discussed the functions of upper houses in various legislatures around the world. At the time, the honourable member for Melton made the following remark:

I found Mr Lawson's paper very good ...

He went on to say:

Victoria has an upper house but it is not a house of review.

That gives a clear understanding of at least the honourable member for Melton's perspective on the upper house. In the *Age* of 1 June Meaghan Shaw made the following remarks:

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 ... Before Labor reforms the Legislative Council, it needs to get its own house in order.

That comment accurately reflects the performance of the Labor Party in the upper house and perhaps even the perspective of some members of the government. They seem to regard the upper house as a receptacle for worn-out old union hacks who have outlived their usefulness. If that is their view, perhaps that is why they find the upper house no longer relevant.

*Honourable members interjecting.*

**Mr SPRY** — That obviously excites some comment, as one would expect from members of the government.

The duo of reform bills represents an attempt to initiate fundamental change to the way Victoria is governed. The bill is not Labor's first attempt at that change. This is the fourth time in recent history that Labor has embarked on the radical adventure of reform — if they were only a little more honest they would call it the abolition — of the upper house. They attempted the same sort of reform or abolition in 1987, 1988, 1999 and now in 2000. They are born losers.

The real motive is quite clear to objective observers. The government wants first to strip the upper house of its power — which is what this constitutional reform bill is all about — and then to abolish the upper house completely.

**An honourable member** interjected.

**Mr SPRY** — I believe I speak for the overwhelming majority of thinking voters — at least in my electorate of Bellarine, and probably right across Victoria — when I question Labor's motives in introducing such legislation.

*Honourable members interjecting.*

**Mr SPRY** — The ALP believes that its power is qualified by an effective house of review, which is obviously not always a conservative house of review

The Australian Labor Party wants to steamroll this legislation through both houses of Parliament. As I said earlier when the honourable member for Ballarat East was looking for support like a frustrated auctioneer at a real estate property, I can assure honourable members the government will not get support from this side of the house.

In proposing this legislation the Labor Party is also ignoring the fact that it is a minority government that lacks a mandate and is fully dependent on the views

and the conformity of the three Independents. It was heartening to hear that at least one of the Independents — and possibly more in the near future, as honourable members will hear when other Independents make their contributions — rejects at least one part of this legislation.

The government is also ignoring the recent history of the performance of the upper house. If the honourable members for Springvale and Ballarat East considered the history of the upper house in recent years they would have to acknowledge that since 1992, during the years of the Kennett government, no fewer than 40 bills were returned by a majority coalition upper house to this house for review and amendment. That is in stark contrast to what was alleged by government members.

By contrast, during the Cain–Kirner years 97 per cent of legislation passed through a conservative-dominated upper house, with a mere 3 per cent being returned to this house following review. The point has already been made that a conservative government was able to function effectively during the Bolte years from 1955 to 1970 despite not having a majority in the upper house. Clearly, the upper house has acted in the past, and continues to act, in a manner that is consistent with the role the founding fathers gave it — the role of a house of review.

The thrust of the first part of the duo of upper house reform bills — the Constitution (Amendment) Bill and the Constitution (Proportional Representation) Bill — is threefold. That point has already been made by previous speakers. I remind the house that clause 4 proposes to reduce the service of legislative councillors and link it to one term of lower house members. Clause 3(3) proposes to fix the term to a four-year term. The legislation also proposes to remove the power of the Legislative Council to block supply — to nobble it completely.

I turn to examine the proposals one by one. Firstly, the reduction in the terms served by members of the Legislative Council to four years would remove continuity. In the past continuity in Parliament has been provided by the overlap inherent in upper house members serving eight-year terms — it was virtually timeless. The change would also remove the long-term vision provided by members in the upper house and create a form of staccato government — a stop-start mentality. By contrast the current system allows upper house members to follow through on projects and pursue long-term outcomes. The proposed reform would remove the system of two members representing each province, which enables constituents to engineer a

balanced representation between the parties, if they so wish.

Although I have no real problem with the proposal for fixed four-year terms, in spite of its in-built rigidity, there will be circumstances in which the electorate may prefer the flexibility allowed by the current system. For example, there may in future be a major unexpected event or occurrence where that sort of flexibility would be desirable. In any event, if Labor is hell bent on enshrining this course of action in legislation it is free to do so right now, because the government can name the date on which the next election will be held. I challenge the government to do that if it is so concerned about giving Victorians an absolutely definite time at which they will go to the polls. The government should go ahead and do it. There is nothing stopping it from doing it today.

The third measure removes the power of the upper house to block supply. It is particularly significant because it caters to a government with aspirations for ultimate, unfettered power. In effect it reduces the means of dissolving Parliament to a single opportunity — a vote of no confidence. In a bicameral system it means a government passing a vote of no confidence in itself. That is a ludicrous idea and Victorians would not countenance such a suggestion.

This is the first of a duo of upper house reform bills. I trust I will have the opportunity to make a contribution to the bill on proportional representation because that proposed legislation is clearly anti-country Victorian. When country Victorians in particular understand it, it will be seen to alienate and isolate that section of the community. The Independents are correctly concerned about that part of the dual legislation. It will be totally unacceptable to the general electorate of Victoria.

The bill represents a fundamental change to Victoria's constitution. It ignores history and the collective wisdom of Victoria's founding fathers. Do this Premier, Attorney-General and fledgling group of Labor members of Parliament know better than the architects of Victoria's constitution? Let Victorians be the judge.

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

**Mr INGRAM** (Gippsland East) — Victoria has come a long way with upper house reform, or has it? I will briefly outline the formation of the Legislative Council. In 1853 the select committee recommended that people elected to the Legislative Council had high freehold qualifications, partly to ensure that members held a large stake in land but more especially so that it consisted of men who could reasonably be expected to

possess education, intelligence and leisure to devote to public affairs. The Council's electorate was to consist of the educated, wealthy and settled interests of the country, the portion of the community naturally indisposed to rash or hasty measures.

That make-up of elected representatives would not be accepted today. The Constitution (Amendment) Bill deals with aspects of the proposed reform of the upper house. It establishes fixed four-year terms and potentially removes the power of the Legislative Council to block supply. I agree with the change to fixed four-year terms, but cannot agree with the removal of the Council's power to block supply.

Fixed four-year terms would take away political opportunism in calling elections. The last election was particularly interesting because it fell on the day that most country football leagues held their local grand finals. It also took place in the middle of the Australian Football League grand finals and a large number of other things were happening around the state at the time. The election was called at that time to distract Victorians interested in things other than the election.

**Mrs Fyffe** interjected.

**Mr INGRAM** — I will not pick up the interjection. It is essential to remove the ability of a government to manipulate the date of an election, thus ensuring that voters are able to concentrate on the election.

In this modern age with developing technology it is unacceptable for upper house members to be elected for eight-year terms. It means that they do not have to confront the electorate with what they have been doing for the previous eight years and is something that must be looked at.

If the members of the upper house were more responsive to the views of the people instead of directing most of their attention to the city, the longer term of office would be acceptable. It is clearly inappropriate to have eight-year terms given that political parties seem to have a problem with appropriately representing the desires of their constituents.

The Constitution (Amendment) Bill has come about partly as a result of the response of the major parties to the Independents charter following the last election — and I will refresh the memories of honourable members about that. The Independents charter included proposals to reform of the Legislative Council, abolish six-to-eight year terms so that all members would serve four-year terms, and introduce proportional representation, which I will refer to later. The

Independents also asked for the establishment of strong standing committees in the upper house that would play a role similar to that played by the standing committees of the federal Senate in considering the operations of government.

I remind the members of the Liberal and National parties that the coalition government's response to the charter included their agreeing to fixed four-year terms. Unfortunately, they agreed to fixed four-year terms only for the Legislative Assembly and not for the upper house. At least they have come part of the way. I would like to see whether they will live up to the commitments their leaders gave at the time.

The honourable member for Berwick, who was the lead speaker for the opposition, said that a minority government has never before attempted a reform of this kind. However, I have done some research and have found that his claim is not 100 per cent accurate. In Victoria supply has been blocked on only a few occasions. The last major reform of the constitution as it affected the functioning of Parliament was in 1952. That came about as a result of the decision to reform the upper house. It is interesting that we are debating the issue yet again.

I have proposed some amendments to the bill to ensure that the upper house retains its ability to block supply. I hope honourable members of the Liberal and National parties will consider supporting those amendments. I would like to thank opposition members for pointing out some of the shortfalls in the amendments, which is why a further amendment has been circulated.

If the upper house is to be retained it must act as a house of review, which means it needs to be able to block supply. History shows that the power to block supply is rarely used — and it should be applied only in extreme circumstances. As I said earlier, the power was last used in 1952. My research led me to a book by Raymond Wright entitled *A People's Counsel — A History of the Parliament of Victoria*, which states that the last time supply was blocked a Country Party government was in office. I will read the counter motion of the then Leader of the Labor Party in the upper house, the Honourable Pat Coleman, when the Consolidated Revenue Bill was being debated:

In view of the inequitable electoral system at present operating in this state and of the government being not fairly representative of the people, the supply sought by this bill should not be consented to at the present.

Mr Coleman's motion was successful and Labor blocked supply. At the time the Governor disallowed the request for the dissolution of Parliament, which led

to a couple of novel parliamentary situations. It was the first time in Parliament's history that the Country Party and the Labor Party had ever been united in opposition. At the time John Cain, Sr, said, 'Strange things happen in this institution'.

The Hollway ministry proved to be the shortest-serving government in the history of the Parliament, remaining in office for only four days while supply was passed. From my understanding the upper house at that time was still a house of landowners who were fighting to ensure that they were on an equal footing with the members of the Legislative Assembly, who were elected on the system of one vote, one value. The upper house was subsequently reformed based on a two-for-one redistribution system. I can understand why the Labor Party wants to ensure that the upper house is not able to block supply, because it has an historical objection to its use.

All honourable members, including opposition members, should consider supporting the amendments proposed by the Independents.

We must make sure that the upper house really is a house of review. It was in its current form during the Kennett years, and it was just a rubber stamp. That is the general view in the community. Through the Labor years, too, our upper house did nothing to prevent the spending excesses of Labor governments — although I understand a committee was formed by that house to look at some aspects of the rising debt.

**An opposition member** interjected.

**Mr INGRAM** — No, I definitely do not want an election every year.

The original bill has been separated into two parts, and all honourable members should recognise that. Many speakers have spent time debating the question of proportional representation. I believe, however, that the bill before us now should be the substance of this debate. The bill is simply to do with four-year terms and the passing of supply bills. I encourage all members to concentrate on those two issues.

People generally are coming to accept shorter terms for upper house members. I think it will be unacceptable in the future for any members of Parliament to serve out extended terms such as eight-year terms.

Some members of the Legislative Council are very good members. The Honourable Peter Hall, for example, is a very hardworking National Party member of that house and represents his constituents very well. I

question, however, whether we need quite so many members in that house.

Parliament must look seriously at the way its upper house functions and how it will be viewed in the future. Honourable members must consider whether the community will, in the future, accept extended terms for members of Parliament. Most people believe that members of Parliament, even the hardworking ones, should not remain in office for so long.

**Mr JASPER** (Murray Valley) — I am pleased to join the debate on the Constitution (Amendment) Bill and, as other speakers have already done, I indicate my disappointment that Parliament is not debating the two bills — the Constitution (Amendment) Bill and the Constitution (Proportional Representation) Bill — concurrently. The bills are closely tied: together they represent the reforms of the Legislative Council being brought before the Victorian Parliament for its consideration. They rely on one another and should be debated conjointly.

In the past many bills have been debated conjointly. The government has made a mistake in allowing the two bills to be dealt with separately. The bills work together, as I said before. Indeed, in its earlier form the legislation comprised one bill combining all the provisions that now appear in the two constitution bills currently before the house.

I am a strong supporter of the bicameral system of government. During my years in Parliament I have witnessed the operation of parliaments across Australia, including the one in Queensland where there is only one house because the upper house was abolished many years ago. I believe the Legislative Council in Victoria has worked effectively over the years, as I will explain as I proceed.

I am also a strong believer in the three-tier system of government as it operates in Australia today: federal, state and local government. Many times I have been in debate with people in my electorate and in other places who say Australia is overgoverned and that we do not need three levels of government. As a country member of Parliament I believe we do need the three levels and that each one has a place.

During the previous Parliament I spent some time on the Federal–State Relations Committee. I was keen on that committee because a good balance is needed between the operations of the federal and state governments. That balance needs to be reviewed so that each does appropriate work, one does not conflict with or dominate the other, and neither conflicts with local

government. In recent years the federal government has assumed greater powers while the strength of the state governments has diminished. Investigations undertaken by the Federal–State Relations Committee in the previous Parliament revealed that a better balance is needed between the three tiers of government to provide protection for the operations of state and local governments.

After all the years I have been in Parliament I have a good knowledge of the operation of state Parliament and the effectiveness of the bicameral system of government. When I entered Parliament in 1976 there were three-year terms and there were problems with people understanding parliamentary terms and when elections were called.

In the 1970s going into the 1980s federal governments of all political persuasions abused the system by not allowing governments to run near to their full term. In the early 1970s, over a period of about eight years, the former federal member for Murray, Bruce Lloyd, faced five elections. That proves the need for a minimum government term.

Victoria operated on a three-year term and generally the Victorian government ran for the full term or close to it. The constitution allowed the Premier of the day to call an election at an appropriate time with consideration of the times that best suited the government. However, most of the state governments of that time lasted their terms, or near to it. In comparison, at the federal level prime ministers of both political persuasions used their constitutional powers to call early elections.

With the change of government in 1982, Premier John Cain was keen to see the abolition of the upper house. Discussions were held between the parties at the time and a bill was brought into the Parliament that extended the term to four years with a minimum of three — the Premier of the day would have the option of calling the election in the fourth year. That system has worked effectively. I take on board the comments made by the honourable member for Gippsland East that this gives greater flexibility to the Premier of the day to call an election to suit the Premier and the government, and to secure a further term. A case can be put forward for considering fixed terms as in New South Wales and that is an issue that needs to be considered and debated.

During his term as Premier, John Cain, Jr, did not have control in both houses and in the 1980s the upper house worked effectively as a house of review. On a few occasions the Labor government was not able to secure a satisfactory outcome. I believe strongly in the

capacity of the Legislative Council to operate as a house of review.

On many occasions during the 1980s legislation was introduced into the Assembly, had the usual adjournment before the debate, proceeded through the Legislative Assembly and was then presented to the Legislative Council. This process gave time for the government and the opposition to review the legislation and to allow further discussion in the marketplace.

On many occasions I witnessed the passage of proposed legislation to the Legislative Council to be debated further. Sound amendments were introduced in the Council, making the legislation better for the state. On many occasions those amendments were accepted by the Legislative Assembly.

He would never have said so publicly, but as Premier of Victoria John Cain was supportive of the status quo — he did not have a majority in the upper house. A case could be made to show that he was able to control the extremists within the Labor Party through the upper house. Certainly there were many extremists in the Labor Party then as there are now. On occasions they would plan to introduce extreme legislation which Cain would not support. He was able to say that there was no point in bringing the legislation forward because it would go to the upper house where the majority of conservative members would defeat it. I think he used that as a form of protection against the extremists in the party for the government, the state and himself. In that case the Legislative Council was operating effectively as a house of review.

I acknowledge the comments from the honourable member for Gippsland East and return to my earlier comment concerning my strong support for the three tiers of government. The honourable member mentioned the hard-working members in country Victoria, in particular the Honourable Peter Hall, representing the Gippsland area in the upper house. The members of Parliament currently representing north-eastern Victoria are certainly needed.

Because of my workload as a representative for the Murray Valley I acknowledge that country members of the Legislative Assembly need the backup and support currently provided by the two upper house members whose province covers four Assembly seats — the electorates of Benambra, Murray Valley, Rodney and Shepparton. We are all able to work as a team and be effective in looking after the Murray Valley. The lower house member usually has responsibility for the day-to-day operations and meetings with groups and individuals in those electorates, but he or she is also

able to call on the assistance of the upper house members.

Among the changes to the terms of members of Parliament and electorate boundaries introduced by the Labor government following the review in the 1980s was a provision stipulating that the number of people in an electorate could not vary from the average by more than 10 per cent. I had extensive discussions on that issue with the Deputy Premier of the day, Robert Fordham. I expressed strong opposition to that provision because it does not take distance into account. Living in country Victoria and representing a large electorate as I do, and there are others that are even larger, presents great difficulties for the local member and affects his or her ability to represent the seat.

Robert Fordham responded by saying, 'We'll give you more staff. We'll look after you that way. We'll have even electorates numbers-wise, and if you have a bigger electorate than someone in metropolitan Melbourne we'll give you more staff to look after that'.

**Mr Delahunty** interjected.

**Mr JASPER** — The honourable member for Wimmera is right. Often the constituents want to see their local member, not the member's adviser, supporter or electorate officer.

In my electorate of Murray Valley I have great difficulty when I have three or four invitations to functions on, say, a Friday night and I want to attend all of them. How do I do that, and what happens? I might be able to attend one of them, and my wife usually represents me at another. That is how I get over that situation. Mr Acting Speaker, you and I would be able to walk around some of the metropolitan seats in a day — but try to do that in a country electorate! I strongly oppose the suggestion that electorates should have even numbers. I support the concept of one vote, one value. However, there needs to be a balance because of what country members have to do.

One of the other issues — I should not digress but I want to comment on this because it relates to the legislation — is that country members have the ability to have a second home. Some people have asked why country members should receive an allowance to enable them to maintain a second home if they are in metropolitan Melbourne. Most metropolitan members are home at night, aren't they? They go home to their families. Try to do that as a country member of Parliament and see how you go!

Today it was suggested to me that the parliamentary committee of which I am a member will meet at

1.00 p.m. on Friday. I explained that I will be going home on Thursday night and will have to drive for 3 hours to get to Rutherglen. Am I to drive back on Friday to go to the committee meeting? That is the sort of issue that needs to be dealt with when one is considering this bill.

I have tried to encapsulate an explanation of why when looking at a constitutional amendment we need to consider all the factors. The government does not have a mandate to make the changes it is putting forward. If it wants to propose these changes, let it have more discussion and then come forward with further views. Some changes could possibly be looked at. We could consider fixed four-year terms, but there are probably other considerations that I would be totally opposed to.

The minority Labor government has discussed these issues with the Independents and they have come to an agreement about what they think should be done and have decided to come to the Parliament to enact those changes. A change in the federal constitution is achieved by first holding a referendum, but in this Parliament all you need to do to change the constitution is get the legislation through both houses.

If the Premier of Victoria says he wants to proceed with this legislation, perhaps he should consider going back to the people to explain what the government is proposing to do. He should then get the people to vote on the issue at an appropriate time. I repeat, at a federal level you must go to a referendum to change the constitution, but in Victoria the two houses of Parliament can change the constitution.

I am concerned about the legislation that is before Parliament. I support the comments made by the Leader and Deputy Leader of the National Party, who said that our party will oppose the bill on the basis that the proposed changes to the Legislative Council do not take into account what the Legislative Council does — generally, it operates effectively as a house of review.

I turn to the three major changes proposed by the legislation. The first concerns the term of the Parliament. That is an issue we can debate. If there is a fixed four-year term that certainly takes the guesswork out of it and takes away from the Premier of the day the ability to call the election at the time that suits him.

The second relates to the duration of the Legislative Council. A strong case can be put forward for half the Council going to the people as it does now, thus providing some continuation for that house of review.

The third issue relates to supply. I am opposed to the provisions contained in the bill. The Legislative

Council needs to have the ability to block supply. That power has not been used against the government of the day since 1952, which was the last time the Legislative Council blocked supply. In a democratic system the Legislative Council needs to be able to bring the government of the day to account and to make sure that it is operating effectively for the people of Victoria.

So far as I am concerned many other issues should be considered. I again express my belief that the two bills should have been debated conjointly. I will speak on the second bill. The legislation in its present form is not acceptable to Parliament.

**Ms OVERINGTON** (Ballarat West) — I am pleased to contribute to the debate on the Constitution (Amendment) Bill.

One purpose of the bill is to reduce the terms of members of the Legislative Council from eight years to four years to bring them into line with the Legislative Assembly. The Legislative Council is not accountable to the community because its members hold office for eight long years. Members of the Liberal and National parties do not want to be accountable for their actions. There is no greater example of the need for change than the large number of such members who did not have to answer to the Victorian people on 18 September 1999 and who relied on the vote they received in 1996 for their continued tenure in Parliament.

It comes as no surprise that the opposition wants to preserve the undemocratic elements of the upper house while opposing changes designed to increase the democratic operation of Parliament and the Victorian electoral system. The opposition has learned little from the last election result. It did not listen to country Victoria during the past seven years and it was not listening on 18 September last. Country voters derived no benefit from the upper house rubber stamp that was operated by the former Kennett government. Victorians used their vote on 18 September last to demand more open and accountable government. Reform of the upper house is an important part of the restoration of democracy in Victoria.

It is revealing that the first bill in seven years to be blocked in the Legislative Council will be one that halves the terms of its members and makes them more accountable. Legislative Council members from the Liberal and National parties will not vote to cut their terms from eight years to four years. The community has a right to know that the first decisive act of that tired, old institution in almost a decade will be to protect its privileges and perks. Anyone with a commitment to democracy would be eager to support

the government's plan to revitalise democracy in Victoria by requiring upper house members to go to the polls every four years. I do not know many jobs that pay more than \$85 000 a year with a car and travel allowances that guarantee eight years employment with little or no accountability.

During the past seven years the upper house never once blocked or changed a bill. Its members mindlessly rubber-stamped more than 700 bills introduced by the former Kennett government. The Legislative Council provided Victorians with no protection from the excesses of the Kennett agenda. While jobs were cut, education and health services were slashed and community services were destroyed members in the other place sat idly by, voting as instructed by the then Premier. The Constitution (Amendment) Bill will make upper house members accountable for their presence in Parliament. As I said, over the past seven years more than 700 bills passed unchallenged through the Legislative Council without a whimper from coalition members.

I have listened to the debate carefully, and particularly to comments made by honourable members on the other side. The Leader of the National Party said that his party members in the upper house gave voice to and protected the interests of country Victorians. I am not sure where he got that idea, particularly as they are obviously not listening now. Did any of them voice disapproval of or vote against the closure of schools, including in my electorate the Queen Street, Eureka Street and Golden Point primary schools, which were all closed without any debate and no outrage? The bills were all given a safe passage through the upper house. The situation was ludicrous. No voice was raised about reduced teacher numbers, increasing class sizes, abandoned building maintenance and the gagging of teachers who could not speak out about how education in Victoria was being destroyed. It was a disgrace.

During the debate on compulsory competitive tendering, honourable members on the other side, particularly National Party members, spoke about the effects of that legislation on their communities. However, when the legislation was introduced in the 1990s it passed through the upper house without a whimper. Nothing happened! National Party members now talk about how legislation that was passed in the 1990s affects their communities but say they did not realise the devastating effects at the time. In contributing to the debate now they say they are sorry.

The honourable member for Murray Valley said he supports three levels of government, but where was he when the number of municipalities was reduced from

211 to 74? There was not one whimper in any of the debates about the issue in either this chamber or the other place at that time. The bills were rubber-stamped all the way. Honourable members in the other place are not gagged because guillotines do not come down, but by gee they do a good job of rubber-stamping legislation.

It is hypocritical for members of the Liberal and National parties in this chamber and the other place to contribute to the debate given the dreadful legislation that took away people's basic rights that was passed in the 1990s.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Ms OVERINGTON** — Prior to the suspension of the sitting I was talking about the three levels of government, including local government, in response to the contribution by the honourable member for Murray Valley. He talked about his passion for the three levels of government, but he did not conclude that as part of the government in the 1990s he himself had failed to stand up for local government.

The rubber-stamping by the upper house of the legislative changes made throughout the 1990s resulted in the undemocratic amalgamation of local councils, the sacking of councillors — of which I was one — and the imposition of undemocratic controls on council decision making. Not only did the former government gag its own members, it also attempted to gag councils.

Opposition members have said they believe the bill is undemocratic because it proposes to reduce the parliamentary terms of upper house members. They were not so vocal when their government passed legislation that attacked the independence of the Auditor-General and the Director of Public Prosecutions and sacked the judges of the Accident Compensation Tribunal. Instead they sat on their hands on their red-cushioned seats.

Protected by double parliamentary terms, members of the other place are not being accountable to the electorate in any way. Members of this house are accountable because they face the people every four years. Eight-year terms do not promote responsiveness and accountability. That is why hospitals were privatised, beds were closed and cleanliness and infection controls did not matter — they were not facts of life for those members — and it is why the common-law rights of workers to sue negligent employers were ripped away.

It is interesting to note that all six National Party members in the upper house served over the seven

years of the former government, so they cannot claim that they came in at the end of 1999 and had no part in it. This government is accountable. It has a mandate because it has just been elected.

The six upper house National Party members believe the Legislative Council is the house of review, but along with the Liberal Party members they sat on their hands and allowed the selling off of anything that was not nailed down — hospitals, roads, public transport, prison services, electricity and gas. The nail in the coffin that made the difference on 18 September was the regressive water catchment management tax.

*Honourable members interjecting.*

**Ms OVERINGTON** — Tell that to country Victorians!

**The ACTING SPEAKER (Mr Savage)** — Order! The level of conversation is becoming too high, almost drowning out the honourable member's remarks. I ask honourable members to leave the chamber if they wish to converse in that manner.

**Ms OVERINGTON** — The Bracks Labor government embraces democratic reform. We welcome the involvement of the people in the process of government, and we respect their right to judge our performance at regular intervals. However, opposition members in this place ought to be ashamed of defending the rights of members in the other place to hide from the electorate. It is time members of the other place became accountable to their electors. It is time they stopped hiding from the judgment of the people. I wish the bill a safe passage — and I am sure it will need it!

**Mr BAILLIEU (Hawthorn)** — Victorians should beware of this bill, because it is another Labor policy dog. This is not a piece of noble constitutional reform, and it is not a section 85 modification of scope. This is a major piece of constitutional change made on the run. It is another policy dog from a government that never expected to have to implement its policies. There have been a string of them since the last election, and this is another one. The government does not know what to do with them.

One would imagine that constitutional reform of this magnitude would have a noble objective. We could presume the government had a desire to improve the performance of Parliament, and we could presume that the proposed legislation had at its heart a benefit for all Victorians. We could presume that the whole of Parliament would benefit from being affected by it. But none of those is the objective here. The government's

real objective is about absolute power and diminished scrutiny. This is a power grab!

The irony is that the bill is about the doing of a deal. The honourable member for Dandenong North spelt it out, and the smile on his face as he did so told the story. This is a political act designed to curry favour with the minor parties and the Independents. The honourable member for Dandenong North alluded to the deal done prior to the last state election over minor party preferences. That is what it is all about. Whether or not the bill is passed is only of minor concern to the government.

Let's review the existing parliamentary system. Ours is a Westminster bicameral system. It is interesting to reflect on the Premier's views about such a system. One would assume that the bill would reflect a commitment to that system, but in the past month the Premier has been threatening the upper house. There is a noble democratic gesture of faith in the bicameral system!

The opposition supports the bicameral nature of our parliamentary system. The bicameral system has an upper house reflective in its nature and one that is cautious and rotational. We have members in both chambers who can proudly say that they have the support of the majority of voters in their electorates. The upper house has a strong record of delivering. It reflects the principle of a house of review with the Legislative Assembly as the house of government. We have the checks and balances and, as the shadow Treasurer said, we have a system that delivers.

How does the proposed legislation meet what might be presumed to be the noble objective of benefiting Victorians? Where is the benefit to all Victorians?

**Mr Holding** — It's on the page in front of you, Ted.

**The ACTING SPEAKER (Mr Savage)** — Order! The use of the first names of honourable members is not permitted. In the past 5 minutes a number of members have done that; it is to cease.

**Mr Mulder** — Behave yourself!

**The ACTING SPEAKER (Mr Savage)** — Order! The honourable member for Polwarth is out of his place and interjecting.

**Mr BAILLIEU** — Honourable members have heard a lot from members on the other side about the reduction of eight-year terms. What we have not heard about is the effect of the bill on terms of members of the Legislative Assembly. I will go to that in a minute but the bottom line is that they will increase and as a

consequence there will be fewer elections. There is a democratic benefit to all Victorians!

Another noble objective that might be assumed to be reflected in the bill is an improvement in the performance of both houses, as the bill addresses both houses. Much has been heard from members opposite about the other place but not about this place. What is there in the bill that improves the performance of this house? Absolutely nothing! What is there in the bill that will change the performance of the other place? The only thing is that the power to block supply will be removed. What possible consequence could that have other than to reduce the scrutiny of the government?

Another interesting angle of the proposed legislation is that the government chose to split the original bill. A number of changes were proposed in one bill, which was withdrawn. Why did the government do that? The answer is that in introducing the bill in two parts the government must have contemplated dealing with different parts of the bill separately.

There are four options: both bills could be passed and both bills could be defeated. The government must have contemplated that this bill would be passed and that the Constitution (Proportional Representation) Bill would be defeated. What would be the consequence of passing this but not the other bill? The honourable member for Footscray said it all: we would end up essentially with a duplication of the Legislative Assembly. The houses would then have full election coincidence; there would be shorter terms for members of the upper house and longer terms for those of the lower house; and the upper house would no longer be reflective or a house of review. The result in that scenario would be the rubber stamp that the honourable member for Ballarat West stamped, stamped, stamped on prior to the dinner break.

Another alternative would be to defeat this bill and pass the proportional representation bill. That would deliver the potential for minor party control of the upper house and longer terms for members, of which those on the other side are so dismissive.

Clearly the government does not want either of those outcomes.

**An Honourable Member** — They don't know what they want.

**Mr BAILLIEU** — They don't know what they want, indeed. I am of the view that members of the government anticipate and are perfectly happy for this and the other bill to be defeated because that delivers

the continuing game of promising minor parties and doing deals on preferences.

*Honourable members interjecting.*

**Mr BAILLIEU** — The first principle the bill deals with is election timing — that is, whether elections should be for fixed or floating terms. A known date is supposed to have the advantage of predictability, and removing uncertainty and the opportunity for political opportunism — that is, pork-barrelling. It is supposed to have the advantage of reducing costs and the so-called advantage of being less political.

That is a cynical and naive view because if terms are fixed then fundamentally the election date is fixed — but the politics is not. If the government can adjust the politics to the date, what will happen? It makes no difference.

The consequence of fixing terms is not to induce better performance of Parliament or the political system but a lack of political activity and community attention. With fixed dates a natural tension in the community about politics is removed from the system. That can be seen in New South Wales, where politics is reduced to a sad state. In the United States fixed dates do not induce an increased level of political interest, either — quite the contrary. As a consequence more costs are incurred. The bottom line on the principle of election timing is that if a fixed time is an interest of the government, then it is currently available to it. The Premier has that call; he can call and set the date for an election now.

**An honourable member** interjected.

**Mr BAILLIEU** — And, Steve, if you're out there and that's what you want, do it; tell us the date now! The second principle — —

**Dr Dean** — He has to have a motion of no confidence in himself before he can dissolve the house.

**Mr BAILLIEU** — Indeed. He can, however, set the date of a future election.

The second principle I address is the duration of a Parliament. As honourable members have heard, the current four-year terms were introduced in the 1980s by none other than the then Cain Labor government. The interesting thing is that we have a three-year minimum and a four-year maximum term in the Assembly.

Since the introduction of that legislation there has not been a four-year term. The average term of the Parliament has been 3.6 years. So what is being contemplated is an increase in the duration of the term.

There has not been an upper house member who has had an eight-year term. What is not being talked about is that the government is advocating an increase in the terms of its own members in this house. So on the principle of duration, what is gained by moving to four-year terms? Very, very little. We will not materially change anything; there will be less frequent elections and, as a consequence, less scrutiny.

The third principle is upper house rotation, by which some members retire at a separate election to others. It has a long history in democratic parliaments, and its purpose is to review, tempering the mandate of a government and ensuring that when governments change there is still a capacity to reflect that in a bicameral system.

Despite the fact that the Premier is advocating fundamental change he has displayed an extraordinary and bizarre ignorance of parliamentary democracy around the world. There are examples in Australia and around the world of upper house rotation — for example, in the Senate, in New South Wales and South Australia, and in the United States of America and Japan. The Australian Labor Party view that it is a stale mandate is a debating point of sheer convenience. The role of and the principle behind upper house rotation is the tempering of mandates. Upper house rotation provides Parliament and the bicameral system with corporate memory, institutional memory and electoral memory.

The one reason the ALP has failed to deliver on its own account in the upper house is that it does not try. It has not put up as candidates people of substance, nor has it pursued upper house elections with any vigour. As a consequence it is no surprise that the ALP has failed to win a majority in the upper house.

The fourth principle concerns the powers of the upper house, which would be materially affected by the suggestion that the power to block supply be removed. Interestingly the honourable member for Dandenong North suggested that even he had some doubts about the issue and could understand that the opposition had a genuine objection to the removal of the power to block supply. This issue is merely a throwback to the old ALP icon of 1975 and is a touchstone for many Labor members, who will keep drumming it up. The electorate wants the power to block supply retained and used reservedly.

The honourable member for Sandringham eloquently reflected on another Labor icon, Gough Whitlam, who on 25 August 1970 said:

We intend to press our opposition by all available means on all related measures in both houses. If the motion is defeated, we will vote against the bills here and in the Senate. Our purpose is to destroy this budget and to destroy the government which has sponsored it.

That was an irresponsible use of power — just another of the irresponsible actions of the party which became the Whitlam government but which at the time was the Whitlam opposition. Even that ALP icon recognises the need to have the power to block supply.

I turn to address a miscellaneous issue — that is, the provision relating to the death of a candidate. The honourable member for Dandenong North suggested that that was the bare minimum that should be done — the only thing worth doing — if anything were to get through. I do not think his heart was in it. However, it simply reflects a desire of the government not to have unexpected by-elections or supplementary elections.

Finally, I turn to the principle of the deadlock, which is not covered in the proposed legislation. There is no bill-of-special-importance provision in the proposed legislation. Ultimately the government does not want the bill to pass. It just wants the political benefits of the games it can play with it — the voting preferences of parties it will ensure will have no show of getting into Parliament, anyway. At best it is a policy dog — another of the policies which Labor never expected to have to implement and which the government is now going through the motions of debating. The very act of splitting the legislation into two bills shows the government is seeking nothing more than pure political advantage and absolute power.

Victorians should beware, and they should be concerned. The bill should be rejected.

**Mr LONEY** (Geelong North) — Firstly I will clarify something for the honourable member for Hawthorn using small, simple words: I want this bill passed, and the government wants the bill passed. If the honourable member for Hawthorn wants to test that and believes the government does not want it passed, he should call the government's bluff.

**Mr Baillieu** interjected.

**Mr LONEY** — Call our bluff if you believe that!

The bill is proof that a bill of significance does not have to be large. It is a bill of great significance, but it has been treated to a bizarre debate. It has three elements, which I will deal with briefly because they have already been expanded at great length. The first element is the move to four-year fixed terms for Parliament which will be set from the date of the general election and not

as currently from the date of the first sitting of Parliament. Under the current provisions there can be a Parliament — —

**Mr Steggall** interjected.

**Mr LONEY** — I say to the honourable member for Swan Hill that it can be substantially different. If the date is set from the first date of the sitting of Parliament it is not a fixed date. The bill allows for a fixed date and gives certainty to it.

Secondly, the bill provides that the terms for upper house members of Parliament shall be reduced to four years, consistent with the terms of lower house members of Parliament. Thirdly, the bill would end the ability of the upper house to block supply. Each is a significant reform, and each is entitled to be considered as a separate element as well as part of a total reform package. To date the debate from the opposition side has not dealt seriously with the issues that underlie the reform of the Parliament.

It has been a bizarre debate. Honourable members have been treated to some quirky history of the Parliament and some folksy observations. In particular I refer to the contribution from the honourable member for Hawthorn. In railing against four-year fixed terms he said they reduce interest and activity in the political system.

**Mr Baillieu** interjected.

**Mr LONEY** — That is precisely what I just said: four-year fixed terms. I do not know where the honourable member for Hawthorn has been in recent months, but there is a country called the United States of America that has four-year fixed terms for its President and fixed terms for the members of its Senate. I would have thought that even the honourable member for Hawthorn might have noticed that there is a bit of interest in what is going on over there. The fixed term there — —

**Mr Baillieu** — What's the turnout? Where's the interest?

**Mr LONEY** — Now he wants to put a different argument. He wants to pick up a different element and debate compulsory voting. If he wants to debate that I will be happy to take him on on that one, too. It is the policy of the Liberal Party, not the Labor Party, to have optional voting.

The honourable member for Hawthorn completely disregards the American presidential election, which not only has a huge amount of interest within that

country but generates interest globally. Everybody has an interest in it and realises what is going on, except, apparently, the honourable member for Hawthorn.

The honourable member for Hawthorn gave honourable members a history lesson. He said that since four-year terms had been introduced, there had never been one. Wrong again! The very first term was four years — 1988 to 1992 was a four-year term. Labor introduced and respected the four-year term, but the following two Liberal Party terms were both reduced. The honourable member may be complaining because he thinks that if the Liberal Party had observed the four-year term it might still be in government. That is his problem. His leader pulled the plug early, which is what he is worrying about. The history lesson given by the honourable member for Hawthorn is wrong, as is his political observation.

**Mr Baillieu** interjected.

**Mr LONEY** — You said there had never been a four-year term when in fact the very first one was.

**Mr Baillieu** — We will check in *Hansard*.

**Mr LONEY** — We will and if that is not what it says it will be raised again. Earlier in the debate the house was given some other interesting history. The honourable member for Murray Valley — —

**An honourable member** interjected.

**Mr LONEY** — He should be a historian; that is correct. The honourable member for Murray Valley said that former Premier John Cain was supportive of the upper house being in conservative hands.

The idea that John Cain, Jr, supported the upper house being in conservative hands would come as a great revelation to him! The honourable member for Murray Valley said the reason John Cain supported the upper house being in conservative hands was that it acted as a restraint on the extremists in the Labor Party who were bringing in legislation he could not control. He said that all John Cain could do was talk to the conservative parties to ensure the legislation was modified in the upper house!

The idea that John Cain supported having a conservative majority in the upper house involves a substantial rewriting of history. The honourable member's thesis that the upper house acted as a moderating force is interesting, particularly when one looks at the past seven years. If ever we saw extremist legislation passed by this place it was during the past

seven years. What happened to those moderating conservatives in the upper house?

**A Government Member** — They were nobbled.

**Mr LONEY** — Nobbled? We do not now whether they even turned up! Coalition members in that place did not give even a whimper in agreeing to some of the most savage and extremist legislation ever passed in Victoria. Much of it came from the chief extremist, former Treasurer Alan Stockdale; but there were other examples, and I will refer to one of them.

By any measure the legislation that nobbled the independence of the Auditor-General was extremist legislation that had no popular support. One Liberal member of this place was so offended by it that he resigned from Parliament and forced a by-election. He was the only one of the so-called moderating conservatives who had the courage to take the issue to the people. The current honourable member for Mitcham remembers that well!

Not one of the moderating conservatives in the upper house bothered to ask the people what they wanted or whether they considered the legislation extremist. Instead Liberal Party members had a party meeting at which they were told to shut up and pass the legislation — and that is what they did. Every clause was passed without a whimper.

Since the election of the Bracks government those issues have had to be addressed. I refer you, Mr Acting Speaker, to the annual report of the Auditor-General that was tabled in this house a couple of days ago. Under the heading 'Major changes to audit legislation', page 3 of the report states:

Many of the events during the year have flowed from the reversal by the incoming new Labor government of the changes made to the Audit Act in 1997. This action provided an opportunity to review the audit legislation afresh and have public audit legislation in place which would represent the most up-to-date of its kind in the world, and meet the needs of the Victorian Parliament and the community for many years to come.

That can be contrasted with what went on during the seven years of the Kennett government, when the reverse applied. As I said, the Auditor-General was nobbled without one word of dissent in the upper house. Yet today we are supposed to believe that the upper house has suddenly become the protector of the people against extremist legislation — as though opposition members in that house still exhibit a real capacity to review. The actions of honourable members on the other side speak louder than their words — and their actions over the past seven years are deafening!

We have also heard much talk about the blocking of supply. Anyone who listens to the arguments of members opposite quickly gets confused. The underlying principle of the argument put, for example, by the honourable member for Hawthorn is that the upper should have the power to block supply because the power is hardly ever used! That is what they all keep saying. It is the old exhortation: 'Trust us'. Members of the opposition should have learnt 12 months ago that the people outside this place do not trust them, but they are a bit slow catching on. Still they come into the house saying, 'Trust us.'!

**Mr Robinson** interjected.

**Mr LONEY** — The honourable member for Mitcham has pointed out that only 8 per cent of the Victorian population trust them.

**The ACTING SPEAKER (Mr Savage)** — Order! The honourable member for Mitcham and other honourable members will cease referring to honourable members by their first names. It is an ongoing problem tonight.

**Mr LONEY** — Many myths about the issue have been referred to throughout the debate. I have dealt with some of them, including the claim that the upper house is in some way a house of review, which clearly it is not. The argument that the upper house acted as a house of review during the seven years of the previous government because it returned 40 pieces of legislation to the Legislative Assembly for amendment is specious. That alone does not amount to its being a proper house of review.

In fact, members opposite cannot present one example of legislation that came back to this place with amendments other than amendments sought by the executive. No amendments were generated by the Legislative Council or by any of its individual members — and yet they say it is a wonderful house of review. All amendments coming back from the Council have been executive amendments. Indeed, most of them have been found necessary because the legislation that was put through this place was mucked up and had to be fixed. Many amendments were caused by typographical errors; yet still the opposition says that the Legislative Council is a house of review. What a load of rubbish!

**Mr Baillieu** interjected.

**Mr LONEY** — There has been talk emanating from the honourable member for Hawthorn about the upper house being a house that scrutinises the budget. That is another nonsense argument. In the budget process we

have just been through the upper house had the opportunity to show us how it would scrutinise the budget should it have chosen to do so. It did nothing. Did it form a committee to look at any element of the budget? No, although it has the power to do so. When was the last time the upper house formed a committee to scrutinise legislation? Certainly not once in the past seven years.

**An opposition member** interjected.

**Mr LONEY** — 'They serve on committees.'! Members on that side do not know what we are talking about. We are not talking about joint investigatory committees of the Parliament; we are talking about committees that conduct reviews.

**Mr Baillieu** interjected.

**Mr LONEY** — The honourable member for Hawthorn really should not interject because when he does he shows his ignorance. He does not understand what is being talked about. He misunderstands the role of upper house committees in the context of review processes and believes them to equate to standing parliamentary committees, which are quite a different thing. He would do well to go away and read about some of those matters.

A misunderstanding that has occurred on both sides of the debate is about whether the question is about individual members of the other house, how hard they work and how well they perform. Those matters should not be a focus in this debate. I have no problem with the idea that upper house members work hard. Geelong, for example, has an extremely hard-working member in the upper house, the Honourable Elaine Carbines, and it is great to see her contribution in that place. However, the debate is not about that; it is about value adding. That is an economics term, so it might not be understood on that side. Value is being added to the processes of the Parliament and to the operation of democracy in the state. The result is a better outcome for Victorians, and it comes from focusing the upper house on what it can do well.

The upper house has not demonstrated in the past that it is prepared to pick up opportunities offered to it. Honourable members opposite have offered the strange argument that the way the Legislative Council operated 140 years ago is the way it should operate today. No other section of our society would trot out the argument that the way something operated in the 19th century is the way it should work in the 21st century. Nevertheless, that is the nub, the totality, of the

opposition's argument — an argument so pathetic I should not dwell on it any longer.

The question of a mandate has been raised. The honourable member for Bulleen told us the changes should not be made by legislation but should be taken to the people. There is no constitutional basis for doing that in Victoria. I would like to hear opposition members say, 'We will guarantee to abide by a vote of the people on the issue'. Let them come out and say that; put it in writing and sign up to it. Let them guarantee to abide by a vote of the people, but let them not come into this house running the nonsense argument that the choice should be made by the people and not by legislation. They know what the consequences of that would be.

**Mrs FYFFE** (Evelyn) — Speakers on this side of the house who are more learned than I am have spoken about the unusual way the Constitution (Amendment) Bill has been handled. A bill was introduced and then withdrawn, divided and brought back in. The Premier then announced he would have a commission to discuss what the government should be doing and when. Finally, when the opposition said it was time the Premier took the matter seriously he said, 'We will have a plebiscite'! Surely that is a good case of putting the cart before the horse.

The bill has not been debated in the community — but it should be if the government wants people to think about it seriously. If directors of a company tried to amend its memoranda and its articles of association without the approval of its shareholders there would be lots of squeals. The government has the same responsibility to its constituency. It is unbelievable that a government could be introducing legislation to change a state's constitution without first getting the approval of the people of that state. The government is attempting to bulldoze its proposals for upper house changes without public consultation.

No minority government can say it has a mandate. In the case of the Victorian government no public debate on upper house reform was conducted prior to the election. The government seems to forget that the Parliament does not belong to the ALP or to the unions; it belongs to the people of Victoria. Changes to our constitution must have wide debate, consultation and explanation that is accessible by all Victorians.

During the Cain–Kirner period 97 per cent of the bills presented were passed, and Henry Bolte governed without an upper house majority from 1955 until 1970. For 28 out of 47 years governments have governed without majorities in the upper house.

Bills are debated in the upper house and amendments are made on a regular basis. Because of their Senate-style extended terms of office, upper house members can more readily rid themselves of election pressure and take a longer term view of legislation. All upper houses in Australia have longer terms than their respective lower houses. The purpose of extended terms is to provide continuity to the house of review.

Members of upper houses bring different and individual perspectives to legislation. Their members are highly representative of younger people, women and culturally diverse people. Victoria's upper house is fair and democratic; it runs on one vote, one value. It provides vital scrutiny of all the government's legislation, including the state budget. It is a safeguard against any government that wants a blank cheque.

The government wants to end the scrutiny of its legislation and to abolish the Senate-style terms of office now operating in the Legislative Council. Under the government's proposals the costs of elections will soar, which will have to be paid for by the people of Victoria.

The bill proposes the introduction of fixed four-year terms. I have listened carefully to the speeches made by members on the other side. Many wide-ranging claims have been made, and much has been spoken about democracy. Is that the same kind of democracy that is practised by the two-thirds of government members who are union members against non-union employees in the workplace?

The government talks about percentages. The honourable member for Burwood went on at some length — —

*Government members interjecting.*

**Mrs FYFFE** — He mentioned the number eight. The government benches are pleased about the Premier's rating, but there is another man who rates even higher than the Premier, does the same work, receives the same amount of publicity and rates 100 per cent — Santa Claus! All he does is give away presents and money. The Premier should be rating 100 per cent, the same as Santa Claus.

Most government speakers have reinforced the shadow Attorney-General's assessment that the government does not understand the purpose of the upper house. Recently, the Premier demonstrated his lack of knowledge. On radio he said that the only upper house he could find with an eight-year term was the Turkish upper house. What about in New South Wales, the state

the Premier admires so much and whose leader he aspires to emulate?

**Mr Dixon** — They signed up for the GST, too!

**Mrs FYFFE** — That's right. Upper house members have long terms to provide stability and continuity from one election to another.

A good government not only is re-elected but increases its numbers in the upper house. Only half the upper house members have to face election every four years. That means the members of the upper house who are not standing for election can concentrate on the matters at hand and look at the long-term implications of the decisions they make. It also ensures that the whole house does not have to stop its business every four years and become totally political. The examples of the American system are interesting. Do the people of Victoria really want a 12-month election campaign? That is what they are being offered.

Usually legislation is introduced into Parliament in response to a groundswell of opinion from the people of Victoria. Victorians are not asking us to change the constitution. Where is the evidence that the people of Victoria want their houses of Parliament changed? The only people making any noise are the members of the ALP, their three supporters on the Independent benches, and a few Labor commentators. Look at the record and see how Parliament operated during the Bolte, Cain and Kirner years.

The Bracks government got rid of an excellent Governor. Now it wants to get rid of or neuter the upper house — and this is its fifth attempt. The bill has not captured the imagination of the Victorian public, and there has not been any public debate about the changes.

**Mr ROBINSON** (Mitcham) — I am pleased to join the debate, which has been running for some time. That is a reflection of the way the Bracks government does business, allowing honourable members on all sides to participate in debates on legislation. What a pleasant change that is for all honourable members!

*Honourable members interjecting.*

**Mr ROBINSON** — Some of the comments made during the debate have been interesting. It is fortuitous that the debate coincides with the football finals in Melbourne. I am waiting for the only ingredient missing from the contributions made by opposition members — an argument about Martians à la Kevin Sheedy. That would make the debate complete. It is the only thing missing because every other point put up in defence of the status quo comes from an orbit as far

from Earth as Mars. The opposition has put together a cacophony of mistruths, half-truths and furrphies, and I will highlight some of them.

The honourable member for Kew suggested that voting for the bill would lead to the conduct of Victorian politics becoming like the Republic National Convention, which was held earlier this month. That might excite the balloon manufacturers in the state, but it is an argument without a skerrick of evidence or a scintilla of logic. In other words, it is absolutely nonsensical. The way the people of the United States go about their democratic process is almost as far removed from the way we in this country go about ours as the Martians I referred to earlier are from Earth. The analogy has no application whatsoever to the bill.

The honourable member for Glen Waverley made an interesting contribution, consistently referring to the events of 1985. The fact that there have been three elections since then and that Victoria voters have proved themselves very capable of weighing up for themselves the relative merits of both parties on each of those occasions did not make an impression on the honourable member.

I am pleased to note a comment made by the honourable member for Glen Waverley that appeared in a newspaper today, or it might have been yesterday — the honourable member might care to correct me. The honourable member responded to an earlier article and suggested that he intends to serve in this Parliament for the term after the current term. The government welcomes that.

I have done some statistics and estimate that by 2010, which is about as long as the honourable member for Glen Waverley intends to be here, some 92.5 per cent of the honourable member's voters will not even have been born in 1985. He is quite welcome to use that as a benchmark in his argument, but it is incredibly irrelevant.

The honourable member for Evelyn repeated the furrphy of a number of other opposition members by suggesting that Henry Bolte never had a majority in the Legislative Council during his time as Premier. That is wrong; he had a majority on two occasions. Honourable members opposite should have done their homework. They could, for example, have referred to the excellent publication entitled *A People's Counsel — A History of the Parliament of Victoria* by Raymond Wright, probably the definitive authority on the way this Parliament has worked since its inception. At page 198 it shows that the Bolte government had two periods

between 1955 and 1970 in which it held upper house majorities.

It would be nice to bring the debate back to actual facts.

*Opposition members interjecting.*

**Mr ROBINSON** — That was at page 182. The second was a workable majority of 26. I repeat, ‘workable’.

*Opposition members interjecting.*

**Mr ROBINSON** — The claim was made that there was no occasion, and that was wrong. Let’s get a bit of reality back into the debate.

The other contribution I want to refer to is that of the Deputy Leader of the Opposition, who referred to the power of the upper house of this Parliament to block supply. She glossed over that — a master of euphemism if ever there was one. She referred to ‘a number of minor episodes’ in which that power had been used.

I disagree. They were not episodes. In a moment I will describe one of those events, which is a blight on the history of this place and shows how conservatives in Victoria have sought to use their positions in this place to usurp the democratic rights and entitlements of the people.

A number of furbphies have been presented. The one that has most deeply permeated the arguments put forward by members opposite and the one at which I would take greatest offence is the suggestion — I know the honourable member for Glen Waverley made this suggestion in his contribution — that what is before the house somehow challenges the right of Victorian voters to choose differently when they vote for the upper house from when they vote for the lower house. He said that because voters had done that in the past their right to do that needs to be preserved. Nothing in this bill prevents Victorian voters from continuing to exercise a different judgment when they go to polling booths and fill out their cards for the upper and lower houses. Absolutely nothing in this bill changes an individual’s entitlement to vote that way. It is another furbphy.

As was said earlier, the only thing the government is waiting for in this debate is some reference by members opposite to Kevin Sheedy’s Martians — then their contributions will be complete.

The bill offers the opportunity to reflect upon the history of this institution and the relevance of the bill to the 150 years of governance of this state. There are a

couple of inescapable conclusions that any objective observer would make. I include Dr Raymond Wright in that category because of his excellent work — I again implore members opposite to borrow his book from the library.

Firstly, the Legislative Council has consistently over 150 years dragged the chain on reform. Secondly, over 150 years the conservatives in this state have demonstrated far less respect for a fair deal for voters than have people who have typically represented this side of the Parliament.

Essentially, all parliaments in this country are free to choose for themselves systems of governance and appropriate parliamentary representation. No examples that were quoted by the opposition in any way lessen the prerogative of this Parliament to choose for itself what is appropriate. Indeed, it can be argued on any number of grounds that the aims and objectives of the bill before the house are entirely reasonable and appropriate.

The bill aims to fix terms. It aims to limit upper house terms to four years and it aims to remove the power of the Legislative Council to block supply. There is nothing revolutionary about any of those propositions, although the latter proposal is something the opposition would resist more than anything else.

I return to something I mentioned earlier — the hypocrisy of the opposition and the fallacy of the remarks of the Deputy Leader of the Opposition when she referred to the power to block supply. The Deputy Leader of the Opposition gilded the lily magnificently when she referred so briefly to the events of 1947. I do not know whether she applied herself too studiously to the detailed history of the Parliament. In 1947 the conservatives in this state, three times in a week, blocked supply.

That was the episode she glossed over so magnificently. Why did the Liberal conservatives in the upper house block supply in 1947? What pressing matter of state significance was before the Parliament in that year, only two years after a state election and with a third year of the term to run? In the great tradition of Tories the issue was political opportunism. The reason the conservatives blocked supply three times in the space of a week in 1947 was bank nationalisation, yet under the constitutional arrangements Victoria had ceased to have any direct involvement in banking laws for 47 years before those events took place. It was naked political ambition.

I refer honourable members opposite to page 182 in the eminent authority by Raymond Wright entitled *A People's Counsel — A History of the Parliament of Victoria*.

**An honourable member** interjected.

**Mr ROBINSON** — You can also buy the book. It states:

On Wednesday 1 October Consolidation Revenue Bill no. 1 was introduced into the Legislative Council. Following the second-reading speech, Liberal member and ex-president of the Legislative Council Sir Frank Clarke (MLC Monash) indicated that he was 'going to ask the house to reject the present one month supply bill'. Clarke believed that the Victorian public had a right to express its opinion on the bank nationalisation issue. This, he argued, could only be achieved by forcing a general election.

Thankfully some members of the upper house were not so obsessed with gaining political advantage at any cost. The Independent member for Melbourne Province, Likely Herman McBrien, said in his contribution:

This chamber is a house of review. It is not a political instrument to be used for the purpose of coercing or censuring a government which may be politically opposed to it. The function of the Council is to deal fairly with all legislation that comes before it, to make suggestions for improvement by way of reasonable amendment. It was never intended that the Council should be a wrecker of government legislation. If attempts by political extremists to take financial leadership from the Assembly succeeded it would be a crowning act of folly.

That is the glorious legacy and tradition of Victorian conservatives.

At heart, the reason honourable members opposite are opposed to the bill is because they want to preserve the right to block supply whenever it suits them politically. That is the bottom line, just as it was in 1947. For base political reasons they want to keep that right up their sleeves. What a great tradition and objective in democracy that is — and I am pleased to see that not much has changed in 53 years! Victory and political domination at all costs are all that honourable members opposite believe in. The traditions of Victoria can go to blazes so long as they have the right to block supply whenever the political climate outside Victoria suits them.

I refer to another furphy. The opposition believes that the government is keen to abolish the upper house. I have no problem in saying to the opposition and the public that the government has no such intention. Lord knows, middle-aged male unemployment is already high enough. Why would the government want to

throw the Liberals in the other place out in the street? Their chances of finding work in any other field are next to none. It is an excellent job creation scheme. They are probably more usefully employed in the other place doing very little than they would be out on the streets. The government has no intention of abolishing the upper house. It simply wants to make it more accountable, and that is hardly a revolutionary ambition.

I said earlier that the Legislative Council has a proud tradition of being a century behind the times. History has shown that the Legislative Assembly needs to take the lead on reform matters, as is happening today. It was not until 1950 that the Legislative Council finally agreed to adopt universal suffrage. It was then only half a century behind the rest of the Western world. Until then the Legislative Council had a system in which 550 000 of the then 1 375 000 enrolled voters in Victoria were not eligible to cast a vote for Council candidates because of property qualifications. I again refer to *A People's Counsel — A History of the Parliament of Victoria* as authority for that information. Honourable members should study the work so they will know what they are talking about in future contributions. It was not until 1950, following the passing of legislation introduced in this chamber and initially objected to and resisted in the upper house, that that necessary, vital and sensible reform was introduced.

Honourable members should hope it does not fall to the Legislative Council itself to set the pace of reform. If that were to happen I suspect that this summer the visiting cricket team would go back to eight-ball overs, Victoria would go back to Imperial measurements and the most common activity at the Melbourne Cricket Ground on Saturday would be a stab pass. It is so far behind this chamber and against contemporary opinion in Victoria on political matters that it cannot be trusted to set the lead on reform.

The function of this chamber has always been to set the agenda — honourable members should read *A People's Counsel — A History of the Parliament of Victoria* if they do not believe me — and so it is today. That has not changed in 150 years.

**Mr Nardella** interjected.

**Mr ROBINSON** — It is not very flash, whatever it is. You have to go back to rods and perches, but I will save that for another night.

**An Honourable Member** — Roods.

**Mr ROBINSON** — Yes, you must go back further than rods, you go back to roods. I am grateful for the advice.

In the time remaining let me make one comment about the benefit that will flow to the state from having fixed terms. Over the past 20 years the average term of government in this state has been somewhere between 3 and 3.5 years.

The bill would fix parliamentary terms at four years, which would substantially benefit the Victorian community. Anyone who doubts that ought to examine the Victorian Electoral Commission report on the 1999 state election or *A People's Counsel — A History of the Parliament of Victoria*, to which I referred earlier, either of which honourable members can obtain from the library. The electoral commission's report shows that the cost of running state elections in Victoria is skyrocketing. In 1992 it cost \$12.2 million to conduct a state election. By 1996 the figure had grown to \$18 million, and in 1999 it was \$21.7 million. In the not-too-distant future the cost will probably top \$30 million. Moving to four-year terms would over the next 20 years probably save Victorians the cost of one election, which would mean a saving of something like \$30 million.

I would have thought that opposition members, who constantly harp, moan, whinge and carp about costs to the community and impositions on business, would support something that the business community would support. For far too long the business community has been saying that the uncertainties resulting from a Premier's capacity to set an election date, which can be at any time during the final year of the four-year term, is a hindrance to business activity. They would far rather have the certainty that an election on the same day every four years would bring. I hope I have been able to show honourable members opposite that the ideas they have contributed and the comments they have made are not only outdated but inaccurate and probably sit more easily with the opposition members who reside in the other chamber.

This is an eminently sensible bill that is not unreasonable. As I said earlier, it is up to the Parliament to determine what is appropriate. We do not have to follow anyone else's example. We can determine for ourselves what is appropriate. The bill is entirely appropriate, and I commend it to the house.

**Mr DIXON** (Dromana) — I take issue with the honourable member for Mitcham, who slighted my colleagues in the other place — and also his own colleagues — by saying they are all middle-aged men

who would not get a job anywhere else. He may have been speaking about members of his own party, but the Liberal Party members in the other place are a wonderful mix of people whose ages, experiences, ethnic backgrounds and professions reflect those of the constituents they represent. They are certainly not middle-aged men who could not be employed elsewhere.

Honourable members were given a wonderful history lesson by the honourable member for Mitcham about the injustices that occurred during the early days of the upper house, some of which was correct. But it is false to say that what happened from the early days of the upper house right up until the 1950s has carried on to the present. The people who represent Victorians in the upper house reflect the general communities they represent. They have been elected in the same way that members of this place have been elected, with one vote, one value. The honourable member for Mitcham is not being fair in demeaning our colleagues in the other place.

The bill presupposes that the government has been given a mandate for constitutional change by the community. I believe I am in touch with my electorate and the Victorian community generally, but I have not picked up a great cry to change the upper house of Parliament.

I believe the idea of a mandate has come from the Independent members of Parliament rather than from anywhere else. It is not something that was raised during the election campaign. No party made an issue of the matter then: no-one went to the barricades saying, 'We have to change the upper house. We have to change the state's constitution. We have to reorganise Parliament'. It is wrong for any honourable member to assert that the proposed changes reflect the community's concerns.

Major change requires discussion and consultation. The government is becoming arrogant: it is not into discussion and consultation. It is ironic that the government has threatened that it will go to the people and ask them what they think if the lower house and the upper house dare not pass the bill. I thought it was supposed to happen the other way around.

I thought you went to the people first, consulted them on what they thought, discussed any changes with them, and then had a good and fair debate. The debate on whether Australia should become a republic — no matter what individuals thought of the outcome — was a good, rational debate. That is the sort of rational debate we need on this issue, but that has not occurred.

Members of the community must be given the capacity to make informed decisions, but in this case they cannot advise their local members because they are not aware of the facts. The government is doing things the wrong way around. Instead of threatening to go to the people to ask them what they think if the bill is not passed, it should have asked the people first.

I am particularly concerned about fixed four-year terms. When you tell people that an election would be held on, say, the third Saturday of October every four years so they can plan for it, they think it sounds like a great idea. If that occurred the number of elections might be cut by one over a period of perhaps 20 years. People at the federal level believe — and I agree — that the time between federal elections is too short. However, Victoria has the right mix, there being a minimum of three years and a maximum of four between elections. Victorians do not believe state elections come around too often. If the federal government extended its terms I do not think fixed terms would be an issue.

As I said, a full four years sounds like a good idea. That would mean that all members of Parliament, the community and the media would know the date of the next state election. I know that in other jurisdictions around the world where the election date is known from term to term each election campaign starts months, even 12 months, beforehand. I will not quote the experience of the United States of America, because it is not possible to compare its electoral system with Australia's. But in many Westminster jurisdictions where that applies, once the build-up to the election starts things stop and absolutely everything — including every announcement and everything that happens in Parliament — is geared towards the election date. People end up having had enough of the electoral process, and I do not think they take it seriously when the election date finally comes around.

When I explain all that to people they say they would not like long election campaigns. I believe that is a reflection of the view of the general community — that is, the shorter the election campaign, the better. It cannot be too short, because we need to explain the issues, but fixed four-year terms have the potential for long election campaigns. Despite the promises from honourable members on both sides of the house, there is no way known we will avoid that.

In my opinion the six to eight-year terms that apply to upper house members have a great deal of merit. We are all political animals — that is why we are here, and that is why we like it so much. We cannot help thinking politically, knowing that so much is on the line as every

election comes around. We are always thinking of that, sometimes selfishly and sometimes in a wider way that includes our parties, our state and the people we represent. Having a group of us who are governed by the fact that they will face the people every seven or eight years is a healthy thing.

As a result those members can pursue not only some of their own long-term interests but also long-term policy issues that need time to be consulted on and developed to come to some conclusions. That can be on a committee, electorate, party or state level and is a very healthy part of our democracy. It does not apply to all members of Parliament but to a group of us. It is and should be retained as a sobering part of the election system in this state.

Some very selective examples have been given of the models of bicameral systems around the world where the upper house has a longer term than the lower house. The Premier is famous for saying that the only one he could find is in Turkey. In not just the majority but the overwhelming number of bicameral systems the upper house has a longer term than the lower house. Every bicameral system in this country, whether it is in the federal system or the other states that have two houses, is based on that model. I cannot see any good reason why Victoria should go out on a limb. Consideration of the evolution of all the parliamentary and governance systems throughout the world, including the commonwealth, shows there is a fair amount of wisdom in them. If the vast majority are operating in that system it is obviously a good model. I can see no clear reason, as obviously no-one in any of the other jurisdictions can, for change.

The bill is about a grab for power. A government, which has a majority in the lower house, wants a majority in the upper house. It does not want to be fettered; it wants to go for what it wants. Of course the government will not say that that is what the bill is all about but any person with just an elementary knowledge of politics will know from reading between the lines that that is what the government wants to happen.

Members of the Labor Party want to nobble the upper house because of a self-fulfilling prophesy. If they can get the changes through — which will make the upper house far less effective — they will say 'It doesn't work. It's got no powers. It's not doing anything. It's not improving our state in any way. We should abolish it'. The Labor Party's former policy was available in black and white: it was not in favour of maintaining the upper house; it wanted to abolish it. As is explained in *A People's Counsel — A History of the Parliament of*

*Victoria*, a very good book that was referred to by the honourable member for Mitcham, introducing the change has been tried. The government is saying it is not interested in that. The honourable member for Mitcham swore an oath that the last thing in his mind is the abolition of the upper house. But if the government nobbles it and eats away at its power and what is good about it, in the end it will be able to say to people 'It doesn't work'. It is pretty evident that that is the hidden agenda.

One of the major ways that the government is seeking to nobble the upper house is in the proposal to take away its power to debate and block the budget. That is a real safeguard and an opportunity for another group of people to take a sober look in the light of day at what the government of the day is proposing. They are not expressing a first-off reflection on the budget as happens in this house, but after having considered much community reaction to the budget. They also consider the media reaction and peruse what the members of this house — who also represent the community — have said about their reaction to the budget. Having weighed up all those things they can make public their thoughts on the budget and how it could be improved and best address the needs of the people of Victoria.

It is important that the budget be subject to at least that process, even if it is not blocked. As other contributors to the debate have said, only on very few occasions has the state budget been blocked. Parliament needs two opportunities to review legislation as important as the budget. The upper house needs to retain the power to do that. After the legislation is defeated and the government explains the purpose of the bill to the people — as it has threatened it will — members of the public will not be very pleased with it.

I have been reading a bit of a history about a number of Labor icons, including their views on the power and function of upper houses. In 1970, then Senator Lionel Murphy, referring to the upper house, said:

There should be absolutely no limitation on the power of the Senate.

**Ms Kosky** — That was, what, 30 years ago?

**Mr DIXON** — It was 30 years ago, but I am quoting what was said by Labor icons who have influenced Labor politicians of today. Senator Murphy said also:

The Senate is entitled and expected to exercise its power to refuse its concurrence to any financial measure.

He was an eminent person who had looked closely at the power and the role of an upper house as a place of

review — particularly review of the budget and such key elements of government.

My favourite Labor icon is Gough Whitlam, who single-handedly is probably responsible for more people — including me — joining the Liberal Party than any single factor in the history of Australian politics. Back in 1970, he said about the then federal coalition budget:

Our purpose is to destroy this budget and to destroy the government which has sponsored it.

He indubitably thought that a right and power of the upper house — that is, the Senate — was to exercise power and authority in the budgetary review process. It was and still is a very important power. It does not matter that that was said 30 years ago. The basic issues or fundamentals are still the same.

In conclusion I reiterate that I find it abhorrent that the upper house, because of its very reflective nature, would not have the ability or opportunity to debate the appropriation bills. I wonder why there is a fear of scrutiny. If the budget is fantastic and it has been passed by the lower house and has all the bells and whistles that the government thinks are so wonderful, why is there a fear of scrutiny in the upper house? The two things just do not add up. If the government is positive about its budget, it should know that it can withstand all scrutiny — not just that of the community, the media, and the opposition, but the scrutiny of the upper house.

I have some understanding of and some empathy with the reaction of members of the Labor government because, as I said, they do not have the numbers in the upper house. In pure, simple and unadulterated politics, they want the numbers in the upper house, but they do not have the quality there, when one compares team with team.

**An Honourable Member** — Absolute rubbish!

**Mr DIXON** — The quality has gone downhill since the honourable member for Melton came here — he is very welcome here, of course. Any unbiased media commentary on what is happening in the upper house reports that all four ministers in the upper house are struggling — and any basic observer of the political process would be saying that. Therefore, the government is lacking in strong leadership in the upper house. It is certainly not a good example of what can happen there and I can understand why the government wants that to change. Of course, a number of backbenchers in the other place are still surprised and wondering how they got there in the first place. That mix gives a bad name to a house of review and perhaps

that is why members opposite would want to turn it over every four years.

When I look at my colleagues in a totally unbiased way and compare the two teams, although there might be more on the other side the quality and the leadership is on this side. When I look at the range of ages, at the mix of males and females and at their background and professionalism there is no comparison.

I was going to quote great excerpts from the favourite book of the honourable member for Mitcham, but I will not do that. I will conclude with two historical notes regarding the importance of houses of review and the sort of house of review I think would have its power and authority watered down under the proposed legislation.

The original upper house of review was the Senate in ancient Rome. It was once described as, 'The most consistently prudent and sagacious body that ever administered public affairs'. That sounds like Victoria's upper house. Those sorts of compliments are not often given to any house of Parliament, but it describes the upper house in Victoria and the job it does. The opposition does not want it to be watered down.

The last story and lesson in political history is important. In the United States of America George Washington was once asked by Jefferson why he agreed to a second chamber in Congress, the Senate. Washington responded, 'Why did you pour that coffee into your saucer?'. They were having breakfast at the time; they may have been in their equivalent of the strangers corridor. Jefferson replied, 'To cool it'. Washington's memorable response was, 'Even so, we pour legislation into the senatorial saucer to cool it'.

The opposition does not want the current system to be watered down, yet that is what is being proposed. The opposition wants its coffee strong, not watered down.

**Mr NARDELLA** (Melton) — I rise to support the Constitution (Amendment) Bill on the basis that I understand the upper house because I was a member there for seven years, from 1992 to 1999. Let me assure honourable members that the opposition's position is all about looking after its mates. It is all about keeping in power the people who are there, who have been there for a long time and who in essence have not contributed anything to the body politic in Victoria. Keeping them there means that it becomes a house of review only when the Labor Party is in office.

Not once during the seven years I was in the upper house were any of the then opposition's motions or amendments accepted, regardless of how logical or

rational they were. Not once in those seven years was anything the then opposition put up accepted by the former government. The mythical house of review, the light on the hill for the Liberal Party of checks and balances, is there only when Labor is in office. During the Cain–Kirner years Labor had the numbers in the upper house for only two weeks, and during that time it put through health and safety and Workcare legislation. In every other instance Labor was unable to get its reform legislation through.

The reform process honourable members opposite talk about was put in place only when Labor was in office, because for seven long, dark years — —

*Honourable members interjecting.*

**Mr NARDELLA** — I stand corrected. A couple of Liberal Party members with principles stood up against their party and stood up for their constituents in the upper house. The rest of them were spineless and were missing in action. For instance, I remember the Honourable James Guest standing up against both his party and his Premier at the time.

All the other Liberal and National Party members wanted was the white car with the driver and to be looked after by the Premier. Honourable members in the Legislative Assembly have said they see the Legislative Council as a house of review but under the former government it was a house where members scrambled for the white car and the driver.

In October 1992 I became a backbencher in the upper house. David White, a former upper house member, came up to me and said, 'Look at the procession of new Liberal Party backbenchers going up to the Clerk of the Parliaments'. They were all holding green forms. I asked David White what they were doing. He said, 'This is what Liberal and National Party members are all about. They are going to get their special green passports, because as soon as the Parliament is in recess they will be off overseas'. That is how seriously the members took their role in the upper house. That was their responsibility to Victoria. Their idea of reform and checks and balances was to scoot off overseas at the first opportunity. They knew the dark seven years that were to follow in the upper house.

I will talk about the important aspects of the bill, in particular reform and putting in place the real checks and balances required in an upper house. A four-year term is absolutely imperative. I enjoyed my seven years in the upper house. I went to an election only once in that time. That was outrageous because all my other

colleagues went to an election at least once within a three to four-year period.

Although I did not agree with the outcome of the 1996 election it nevertheless gave the government a fresh mandate from the Victorian people. But the mandate was only fresh in the lower house. In 1996, midway through my term in the upper house, the Labor Party received 46 per cent of the votes in the upper house — —

**An Honourable Member** — Is that eight times?

**Mr NARDELLA** — You can work it out, but it is certainly much greater than 8 per cent. The Labor Party received 46 per cent of the votes but only 22 per cent of the seats. That is what the Liberal and National parties call fairness in the upper house. A true house of review is obtained by making sure the opposition party is unable to get its people elected at the appropriate level of representation despite support within the general community!

But in 1999 it was not a house of review. A four-year term would give the upper house a fresh mandate and put in place a house of review. That could be done in conjunction with the changes in the voting system flagged in another bill. The upper house would not just be a direct reflection of the lower house but would become a genuine house of review conducting genuine debate about bills.

In my time in the upper house debate on bills was mechanical. Members received their briefing notes, read the Legislative Assembly *Hansard* and copied some of it for their own speeches. That was pointed out by honourable members on the other side of the house time and again. Members went through the procedure but when Labor Party members pointed out real concerns and flaws in the coalition's legislation — when they were in bed with each other and the white cars were paramount — they were never accepted. They never agreed to any of the amendments.

However, at some later stage, maybe in the following parliamentary session, the coalition would slink back into the upper house and put in place some of the Labor Party's suggested amendments.

The upper house used to receive two Workcover bills each year for debate. Every six months another Workcover bill would be introduced because the previous government used to stuff them up. It made mistakes and at one time the Labor Party put forward 140 amendments to make sure a system was in place to protect injured workers and ensure their voices were heard.

Having a new philosophy of genuine reform in the upper house, the coalition did not accept any of the 140 amendments! Not one of the amendments was put in place and yet the change in 1999 was partially due to the arrogance of the honourable members on the other side of the house.

It is about the arrogance of not listening to what the community was saying, of not taking on board the reasonable and rational suggestions put to them by the Labor opposition and of wanting to keep the white cars at any cost. They paid for that arrogance in September last year, and they continue to pay for it both in this house and in the wider community.

Why should the upper house be able to block supply? Why should Victorian society go through conflicts similar to the one that split Australian society back in 1975? We have heard all the flowery dissertations about Lionel Murphy, Gough Whitlam and others, but why should our society be split again?

The Labor Party is in office, but its legitimacy will be challenged at every opportunity by the Liberal and National parties, whose members believe they are born to rule. They do not believe the Labor Party has any right to be in government.

**An opposition member** interjected.

**Mr NARDELLA** — The honourable member on the other side says that is right.

The granting of supply should be determined only in the Legislative Assembly, where the government is formed, not in the upper house, where honourable members look after themselves. The upper house should be able to review legislation, but only the lower house should be able to amend, pass or block legislation. That should be a tenet of any democratic system of government — and in fact it is a tenet of the Westminster system in place in England.

In England a number of elections called by Lloyd George resulted in the power of the upper house, the House of Lords, being broken by the lower house. A number of elections were called from 1909 to 1913 because the House of Lords was being obstructionist. The English system has now gone through a further review, which has ensured that supply cannot be blocked by the upper house. If government members want precedents they should look at what happened in England, which is the source of our parliamentary traditions.

Just as the House of Lords is known to be conservative, it is possible for opposition members to be progressive

enough to invite change and recognise the benefit of reform. If they are able to understand that legislative changes should take place in the lower house, where the government is formed and where it stands or falls on its numbers, they may be able to adapt to change.

I challenge the opposition to be part of the reform process, and I will explain why. In the 1980s I believed it would be difficult for the Labor Party to gain control of the upper house. When I was a member of the other house honourable members would say, 'You will never be in government, Nardella. You will never get there'. They scoffed at the 10 members on the Labor Party side of the house. Gaining control of the upper house will still be difficult for the Labor Party, but the pendulum will swing. I do not know whether that will happen during the next term of government or even in my lifetime, but it will happen.

I advise the opposition to become part of the reform process and ensure that the upper house is able to function under both a Labor government and a Liberal government. I advise opposition members to put their stamp on the reform process to ensure the upper house is a genuine house of review. They should be involved in ensuring the reform process works so that if National Party members get their quota of votes they will be elected. It should be involved in ensuring that there is genuine competition in each upper house province so that the people are truly represented.

Honourable members on the other side have said that proportional representation will mean that no upper house member will visit the outskirts of his or her province. If that is what opposition members choose to do, it will be at their own peril. One honourable member talked about the members representing a province that stretched from Geelong to the South Australian border choosing to have their offices in Geelong. If that happened, all the parties would feel the effect at the next election. That responsibility rests with the parties, which must ensure that constituents are well represented by and have access to their members of Parliament. Opposition members should not blame the system the government is trying to put in place for their own shortcomings. Instead they should consider the ways in which it can benefit their constituents. The government is proposing to create a genuine house of review. On the matter of consultation, the government has, as a result of consultation, split the bill into two parts.

The opposition has been consistently defeated in recent by-elections, the first being the Frankston East by-election. That election showed up flaws in the system on which the Labor Party had to get some legal

advice. The opposition does not care about those flaws, however; opposition members would rather vote against the bill. How irresponsible! The situation at Frankston East was caused by the death of the late Peter McLellan, who unfortunately passed away on election day. But the Liberal and National parties will not recognise or help to clear up the anomaly highlighted by that event. They keep their heads in the sand, preferring to believe the upper house is a house of a review even though, as I have said, that is clearly not the case.

Four-year terms are not unique, revolutionary or a socialist plot. New South Wales upper house members have four-year terms, and that arrangement works quite well. Ms Chikarovski, whose popularity rating is probably higher than 8 per cent, finds that the arrangement works well. It has not turned the New South Wales upper house into a bin of screaming lunatics such as you might find in the political system of the United States.

I support the bill and urge honourable members, especially members on the other side of the house, to support it also.

**Mrs PEULICH** (Bentleigh) — I join other opposition members in the debate on the Constitution (Amendment) Bill. We heard an interesting contribution about Don's democracy and how Don wants to create that democracy in his own image. That sort of contribution is precisely the reason we need a house of review, unfettered by the restraint on its members of having the same period of office as members of the lower house. If members in both of our houses had the same period of office the upper house would be full of idiosyncratic nuts imposing their notions of what democracy should be without adequate consultation with the Victorian community.

This is the Victorian Parliament. It belongs to the Victorian people. Sweeping reforms of the system should not be embarked upon without full consultation with Victorians.

Honourable members have heard a lot about how committed the Labor Party is to consultation. Its notion of consultation, however, is to consult only with people who share its view. In the short time the ALP has been in government honourable members have had opportunities to see how it consults on a range of issues. Honourable members have noted, for example, how it consulted on the abolition of self-governing schools, on self-injecting rooms and on the blueprint for public education it produced. We also noted its

consultation on Workcover — what an absolute disaster!

The government does not really intend to consult because it does not like consulting with people who hold a different view.

**Mr Savage** interjected.

**Mrs PEULICH** — The honourable member for Mildura says we were no better at consultation. I was always big on consultation.

Honourable members have seen some bloated, puffy performances by people on the other side who are drunk with power. They are absolutely obsessive. We have seen it; we have read about it; and we see it demonstrated on a daily basis.

*Honourable members interjecting.*

**The ACTING SPEAKER (Ms Davies)** — Order! There is too much audible conversation.

**Mrs PEULICH** — Democracy, Madam Acting Speaker, is not something that can be changed overnight without consultation. Labor wants power. It wants to concentrate power. It does not want a conscience vote. To join the Labor Party one needs, I understand, to be a member of a union. Labor is now introducing legislation to abolish voluntary student unionism. It believes in concentrating its own power. I do not trust members of that party — or indeed any party that believes in the concentration of power.

I was born in a communist regime and I believe it is imperative that a vibrant, democratic system have checks and balances as an insurance against corruption and the abuse of power.

Some may say that in the seven and a half years I was a member of the government there may have been some excesses — —

**Mr Savage** interjected.

**Mrs PEULICH** — I accept that may be the case. The Victorian people have had their say, as they will surely do again in the future, and how will the mighty fall! All honourable members know that in politics what goes around comes around. Opposition members have experienced it, and government members will as well.

The Labor Party wants to abolish the upper house, just as it stitched up the Independents and nobbled the Governor. Now it wants to stitch up the upper house as well. It has a track record: it tried to nobble the upper

house in 1987, 1988, 1990 and 1999. Its preferred option is to strip it of all its power. Opposition members know that is the government's secret motive.

All sorts of emotive language has been used to denigrate the upper house, that very important house of review. Words such as old-fashioned, irrelevant and unrepresentative have been used. Government members use such words because they are unable to get their candidates elected into that house. They think not being able to get the required number of votes in the required number of seats is undemocratic. Now that is a new definition of democracy! It is often said that it is obstructionist, and there is whole litany of words to describe it. Upper houses are important houses of review, and most states in Australia share that view.

The New South Wales Parliament has 42 upper house members serving a single constituency. Members are elected for a duration of two parliamentary terms, with 21 members retiring at the time of general elections for the Legislative Assembly.

South Australia has 22 members with the state serving as a single constituency with six to eight-year terms. In Tasmania 15 members are elected from single-member divisions for a six-year term, with elections held each year to elect either two or three members.

Overnight change is the nightmare of people who have come from backgrounds such as mine. This is not a climate in which to achieve a political revolution. We have had a stable political and economic system which has served us well and created an environment where people like me with migrant backgrounds can rebuild our lives and enjoy the safety, security and opportunities that our countries of birth are unable to offer us.

We have heard a lot about the upper house giving the Liberal Party an entrenched advantage. We heard from the previous speaker that despite getting 46 per cent of the vote the Labor Party was able to get only a limited number of seats. We all know how it works. You have to get the vote in the right seat. You have to get off your butts and earn the vote. We have seen with the election of some Labor Party upper house members in critical seats that it can be done. The thing is that you have to get out and work; you have to get out of your offices, out of trades hall, and mix and mingle with the people. Win the votes!

**Debate interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The SPEAKER** — Order! The time appointed under sessional orders for me to interrupt the honourable member and the business of the house has now arrived.

**Mr Hulls** — I wish to raise a grave point of order, Mr Speaker. As a member of the Privileges Committee and a member of this place I believe I have a duty to protect the procedures and rules governing that committee and this place. There appear to be fairly clear rules governing privileges complaints in this house. I understand rulings by previous Speakers have made it clear that a privileges complaint must be made to Mr Speaker as soon as practicable and that it cannot be canvassed in this place or indeed in the media.

I have had the opportunity of reviewing videotapes of this evening's news. On the Channel 2 news it was reported that the opposition had said that the Minister for Education could be removed from office if a parliamentary committee upheld its claims. It went on to state that the honourable member for Warrandyte, Mr Honeywood, had written to the Speaker of the house asking him to refer the matter to the Privileges Committee for investigation. The news item reported that the opposition said if it got to that stage the committee had the power to remove the Minister for Education, Ms Delahunty, from office. On television tonight Mr Honeywood was reported as saying that Mary Delahunty could be the shortest lived minister in the Bracks government.

A similar report appeared on the Channel 7 news. It was made clear in that news report that the opposition was attempting to take Ms Delahunty before the Privileges Committee of Parliament. The 6 o'clock news reported that the opposition's complaint to the Speaker, Alex Andrianopoulos, accused the minister of deliberately misleading the Parliament.

It appears from the news reports that the opposition has actually canvassed this serious privileges complaint with the media in breach of the practices in relation to privileges. Mr Speaker, that of course has put you in an invidious situation — one with which I am sure you will be able to deal — but it shows clearly that there is no respect for the parliamentary process and no respect for the privileges process. One really has to ask whether it has devalued the whole privileges process.

Mr Speaker, I ask you to rule — and it may not be possible for you to rule on it tonight — on whether this act by the opposition of canvassing this important matter in the media either prior to or after contacting

you, and I am not aware of that, devalues the process, whether it has now undermined any privileges complaint that may be made in the future and whether it is a deliberate attempt, through the media, to put pressure on you.

**The SPEAKER** — Order! I will not hear further argument on the point of order. The question of privilege is clearly covered in *Rulings from the Chair 1920–2000* at page 115 under chapter 29. Under 'Procedure for raising' it states:

The following procedure applies:

- (a) a member wishing to make a complaint of privilege must write to the Speaker giving details;
- (b) his letter must be written as soon as practicable (a less stringent requirement than the previous requirement of the 'earliest possible opportunity');
- (c) the complaining member is not permitted to say anything in the house concerning the matter pending the Speaker's consideration;
- (d) if the Speaker decides, either that the case does not satisfy the essential requirements which could cause it to fall within the general ambit of privilege, or alternatively, even if it does, that it is too trivial to take precedence, he writes accordingly to the member. In such event the member may not raise the matter in the house except for his right to proceed by way of substantive motion;
- (e) if the Speaker decides the case should have precedence, he informs the member to that effect and tells him when he proposes to announce his decision; and
- (f) the Speaker announces his decision in the house as arranged and the complaining member is then entitled to give notice of motion on the following day's notice paper in a position of precedence (such a motion may be for referral to the Privileges Committee or in some other terms).

That is based on Speaker Wheeler's ruling on this matter on 19 April 1978.

Further, on 6 June 1979 Speaker Plowman and on 29 October 1991 Speaker Coghill ruled on the exact matter that was raised by the Attorney-General as follows:

The contents of correspondence passing between a member and the Speaker in connection with a privilege complaint having been disclosed to and published by the media, the Speaker held that the letter was private and confidential and should be regarded as such by all parties so that the rights of all concerned may be upheld. Whilst not in itself a breach of privilege disclosure is a serious breach of propriety and ethics.

The Chair is aware that there has been wide reporting on this issue. As a matter has been put before the Speaker for consideration at the moment, all members

in the house should desist from any further comment on this matter until such time as they have the Speaker's deliberation.

**Mr Batchelor** — On a further point of order, Mr Speaker, I raise with you the consequence of your advice to the Parliament and what implications that has for the ongoing dealing with this issue in the public arena and that it is an attempt to disadvantage the rights of a member of this house. The government seeks your guidance —

*Opposition members interjecting.*

**The SPEAKER** — Order! Will the Leader of the House come to his point of order!

**Mr Batchelor** — I am seeking your guidance, Mr Speaker, as to how a member of this Parliament who is alleged to have a privilege matter raised with you can protect his or her position from being disadvantaged while that issue is deliberately canvassed in the public arena by those who are levelling or wishing to bring these privilege charges against that member?

**Mr Cooper** — On the point of order, Mr Speaker, the Minister for Transport has raised an interesting point and it is one that I have seen in action in this place in the years that I have served here.

I will recall the issue relating to a matter raised by the Honourable Neil Pope against the Honourable Alan Brown. When Mr Pope raised a matter of privilege against Mr Brown it was not only canvassed widely by the then government of the day, which was the ALP, in the media and anywhere else that it could before and while the Privileges Committee was dealing with the matter, it was also canvassed by ALP members of the Privileges Committee outside the committee.

What followed is a matter that you would certainly need to take into consideration when you are coming to a decision in regard to the matter raised by the Minister for Transport. The members of the Privileges Committee unanimously recognised that its hearings had been seriously damaged. When the members came to this house, despite the fact that they agreed that the matters raised by Mr Pope had no validity, they were seriously embarrassed by the actions of some members of that committee and by some members of the government party at the time.

The same could also be said on a matter that was brought against the then Leader of the Opposition, Mr Kennett. The hearing was never concluded by the Privileges Committee. I became a member of the

committee about halfway through that. The committee felt that it was unable to come to a conclusion because the matters raised against the then Leader of the Opposition had been widely canvassed in the media by members of the government at the time.

The Minister for Transport has raised a valid matter. It is a matter that should concern every member of the house because every member could from time to time find himself or herself in the situation that a member of this house has found herself in — that the member has done something that could be raised by another member as a matter of privilege that you, Mr Speaker, having received a formal complaint must rule on.

In your consideration of the matter, Sir, you should give serious thought to advising the house of the need for self-discipline and restraint in all such matters. The canvassing of such matters is unfair to a member who has a matter raised against him or her, and while it does not destroy the validity of the complaint it could hamper the Privileges Committee in any work it may do. It would probably also hamper you in your consideration of the formal complaint. The matter is not one that can be used in a party political form in this house. It is one which every member should recall as having been used in a poor way in the past and which needs to be dealt with by you, Sir, in the way I have mentioned, so that in the future members will be aware of their responsibilities and the need for restraint when a complaint is made against any individual.

**The SPEAKER** — Order! On the point of order raised by the Minister for Transport, the Chair can only reiterate what it has already said about the issue. I remind the house that we are in the public gaze and that occurrences in the chamber are reported widely, as they should be. It appears that has again occurred on this occasion.

However, since a matter of privilege has now been lodged with me, I can only reinforce my remarks and those of the Attorney-General and the honourable member for Mornington that it would be best if all honourable members desist from commenting on the issue in any public form until I have deliberated on it, made a decision and reported back to the house.

### **Minister for Environment and Conservation: correspondence**

**Mr PERTON** (Doncaster) — I refer the Minister for Environment and Conservation to the Bunyip State Park, which is an exceptional park with a diversity of flora and fauna and high landscape values that create a distinctive bush atmosphere. The park consists of

healthy woodland, with understorey including hairpin banksia, furze hakea and rare swamp bush-pea. It moves into foothill forests of silvertop and messmate and includes mountain ash, which is the tallest flowering plant in the world. The unique animals and birds include the southern emu wren, white-eared and crescent honeyeaters, yellow-tailed black cockatoos and animals such as the swamp wallaby. The park is beautiful and well utilised, but the area has become badly mismanaged under the regime of the Minister for Environment and Conservation.

An email to the minister from Mr Stephen Dobinson dated 13 June states:

Dear Madam

I have written to you before re Bunyip State Park but have not received a satisfactory answer nor does the misuse of the park reduce or cease.

Last weekend, Queens Birthday, we as residents that border the park were subjected to screaming exhaust pipes from the countless number of motor bikes using the park.

...

Have you ever visited the park which is only 45 minutes from Melbourne? Come and have a look this week, visit one of the two picnic areas on Tonimbuk Road near Camp Road which is just near our home, but please bring your gumboots because the motor bikes have used these picnic areas as warm-up facilities before they destroy the just recently improved tracks near this location.

Also bring a garbage bag to collect the rubbish left behind. If this park is under some kind of park management, the strategies need urgent review.

...

Please look into these issues and advise.

Mr Dobinson again wrote to the minister on 21 July. His email states:

Further to my numerous emails to which I have received no response!

Another weekend passes with the areas I have previously mentioned in emails destroyed by motor bikes. Litter consisting of beer bottles, paper et cetera are the remains of neglectful users you promote.

Mr Dobinson again wrote on 22 July. His email states:

I have come to work this morning ... travelling past the picnic area — for want of a better word — at the corner of Tonimbuk Road and Camp Road to be confronted with about 12 motor bikes using this area as a motocross venue. The damage caused in this area in just 2 hours this weekend is nothing short of a disgrace.

I wrote to you back in mid-June and have only received a reply from Robert Maclellan. It is obvious my concerns are

not ones shared by you. It would be in your interests and that of the residents of the area for you to visit this park ...

Mr Dobinson has written several other letters. The Minister for Environment and Conservation is notorious for taking more than six months to reply to heads of organisations. She should come into the house and answer the complaints of this ordinary citizen trying to protect a Victorian state park.

### LPG: incentive program

**Mr JASPER** (Murray Valley) — I raise a matter for the attention of the Minister for Environment and Conservation, who is the representative of the Minister for Energy and Resources in another place. All honourable members would be aware of the difficulties caused by the high fuel prices that Victorians face, whether they reside in country or metropolitan regions — indeed, they are faced by all Australians. I have raised the issue in the house on many occasions since 1976, and governments of all political persuasions have indicated that corrective action would be taken and justice obtained for people utilising fuels of all descriptions.

I seek action from the minister concerning a suggestion put forward by the state opposition in Western Australia. It has proposed a \$20 million plan to provide an interest-free loan of \$1500 to people who convert their vehicles to autogas.

While I appreciate that there are discrepancies in auto gas pricing between country and metropolitan areas, auto gas is certainly not taxed at the high levels at which petrol is taxed across Australia. That would be one way of providing cheaper fuel and cheaper motoring for people living in country Victoria.

I will quote one part of the editorial in the *West Australian* of Tuesday, 29 August:

Premier Richard Court and opposition leader Geoff Gallop appeared to agree that it would be a good idea to give country motorists \$1500 interest-free loans to convert their vehicles to liquid petroleum gas, which is cheaper than petrol.

I seek the minister's cooperation in making representations to the minister in another place to investigate the introduction into Victoria of that program. It would be one way of assisting motorists to convert to LPG and to get cheaper motoring, in particular people in country areas who need fuel and for whom the price of petrol is a severe detriment.

### Police: Bendigo cells

**Ms ALLAN** (Bendigo East) — I ask the Minister for Police and Emergency Services to advise the Parliament what action has been taken about the overcrowding of prisoners in police cells. In particular I refer to the problems at the Bendigo police cells, where prisoners on remand are waiting for court appearances or for transportation to other prisons around the state. Unfortunately, the problem of overcrowding in the Bendigo police cells has become a significant issue in recent months. It has been brought to a head by reports published in the *Bendigo Advertiser* of last week. The *Bendigo Advertiser* of 23 August states:

The *Advertiser* has been told 14 prisoners are being held in the cells, where there are only seven beds.

The issue has been brought to public prominence by a solicitor in Bendigo, Ms Stella Stuthridge, who is reported as saying:

... the number of 'self-harm and damage incidents' in the cells had risen dramatically this year.

The article continues:

She said blame for the conditions did not lie with police, but largely with Group 4 corrections, the privatised company contracted to move prisoners around the state.

That is an important issue that needs to be brought to the attention of the police minister.

Following the reports in the *Bendigo Advertiser* last week I visited the Bendigo cells on 25 August. I thank Superintendent Greg Duckett and the policeman in charge of the Bendigo station, Gordon McKenzie, for facilitating my visit. When I arrived at the prison cells, which are meant to be for only 7 prisoners, there were 12 people in the cells. However, as I arrived a van arrived to transfer four of them to other prisons around the state.

I was shocked at the cramped conditions those prisoners had to endure. While the conditions might be suitable for 7 prisoners, they are not suitable for 12. There is no fresh air in the cells, and one prisoner I spoke to informed me that he had been in those conditions for 23 days.

The situation is putting great pressure on police officers in Bendigo who have not only increased responsibilities for supervision of the prisoners in the cells but also the additional duties involved in coping with the extra prisoners, such as the provision of food and water and allowing adequate time for recreation.

I have been told that prisoners are deliberately hurting themselves or behaving in inappropriate ways because they want to be transferred out of Bendigo, and they believe that is the only way they can get out of those conditions.

I acknowledge that the problem was foisted on the minister because of the cuts of the former government.

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

### Greater Geelong: rates

**Mr SPRY** (Bellarine) — The matter I raise for the attention of the Minister for Local Government concerns rate increases in the City of Greater Geelong and, for that matter, throughout Victoria. Some individual increases can be described only as draconian and will cause grief for many so far unsuspecting citizens and ratepayers.

The situation in Geelong was highlighted in this morning's *Geelong Advertiser* by the headline 'Rates shock on the way'. And what a shock some people will get! Rate notices will go out this week to the citizens of Geelong. Soon 2560 of those citizens will find they are facing rate increases of more than 100 per cent. In addition, more than 25 per cent of ratepayers in the City of Greater Geelong will face rate increases of more than 25 per cent.

The situation is very much a case of the minister having fiddled while Rome burned — in this case, having fiddled with altering the structure of the council in Geelong against the wishes of those who responded to what was supposed to be an ALP-orchestrated public relations campaign that backfired. The minister seemed to have his eye on that little matter but failed ratepayers statewide, and especially those in Geelong, by ignoring the potential effects of property revaluation.

The minister must have been aware of what would transpire. He must have anticipated this colossal rate hike. He has now given Victorians the double whammy: a huge rate hike on top of the Workcover premium debacle. Who knows what consequences will eventually follow for local government!

I ask the minister why, in the knowledge of the impending disaster, he did not take steps to mitigate the effect of rate hikes by making provision — legislatively, if necessary — to either cap the hike or allow increases to be staged by local municipalities over one or two years.

The City of Greater Geelong is doing what it can at least to prepare its ratepayers for this situation. The minister could have done better, and he should have done more for the citizens of Geelong and Victoria.

### **HACC: funding**

**Ms BARKER** (Oakleigh) — I raise for the attention of the Minister for Aged Care a matter concerning the home and community care program — or HACC, as we know it. Concern has been raised with me by a number of providers about the methodology that is used to allocate HACC growth funds between local government areas in different regions. I should emphasise that it is growth funding. The Bracks Labor government recognises the desperate need for growth funding, unlike the Howard commonwealth government, which will not recognise that need.

The methodology to which I refer is the relative resource equity formula, or RREF, as it is known. I seek advice from the minister as to what is being done to address the deficiency in this methodology so we can provide an equitable share of resources for people in need of HACC services and programs, and of course an equitable source of HACC services for the people of Oakleigh electorate, which is very important.

The Oakleigh electorate is primarily divided into two local government areas, Monash and Glen Eira, with a very small portion extending into Stonnington. As the minister is aware, Glen Eira is well recognised as having a growing need for HACC services. It has a large and growing number of older persons who need those services. Monash also has a predominant number of people from non-English-speaking backgrounds who also require HACC services — a need we just cannot meet.

The concerns raised with me are that any growth funding that can possibly go into these areas cannot be assessed properly because of the RREF methodology that is currently used. I therefore seek advice from the minister on what she is doing to review the methodology and instigate appropriate consultation to ensure that the methodology is fair and equitable and that the review undertakes wide, meaningful and representative consultation in its assessment.

As I am sure all honourable members will be aware, HACC services are extremely important.

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

### **Responses**

**Mr CAMERON** (Minister for Local Government) — The honourable member for Bellarine raised the matter of council revaluations and the effect they have on rates. In relative terms, if one's property increases in value rates will also increase.

The honourable member asked why legislative action was not taken on this matter. Action was taken by the former government on which the honourable member voted, ensuring revaluations would take effect this year. The honourable member is a rank hypocrite.

**The SPEAKER** — Order! The minister has used in unparliamentary expression, and I ask him to withdraw.

**Mr CAMERON** — I withdraw. The honourable member takes a position that is entirely different. Councils have been forced to comply with the law that was passed by the previous government.

The honourable member also complains about the democratically elected council having a say about its structure. The City of Melbourne has a two-tiered structure which has been discredited. The people in the City of Greater Geelong are fair minded and do not want a system where people have to be elected across an area the size of two federal electorates, which means that to be elected a candidate has to be wealthy, backed by wealth or backed by a political party. That situation has occurred because of the legislation that was voted for by the previous government.

**Mr HAERMEYER** (Minister for Police and Emergency Services) — The honourable member for Bendigo East raised the matter of overcrowding of police cells at Bendigo and in particular the case of one prisoner who was held for a period of some 23 days. I commend the honourable member for Bendigo East for taking an interest in this serious matter.

**Mr Perton** interjected.

**Mr HAERMEYER** — The honourable member for Doncaster as always is ebullient at this hour of the night.

Overcrowding in police cells creates a problem, particularly when the prisoners are on remand or are sentenced prisoners who should properly be held in the correctional system. Police cells were designed for holding prisoners for a short time, not for 23 or 28 days, which unfortunately is what is happening now.

In the past the government failed to plan in any way for the future of corrections in this state. I recall that when

the former government introduced its truth-in-sentencing legislation I sought a briefing and asked whether the proposal had been allowed for in planning for future growth in the prison system. I was informed that the then government did not expect the new legislation to have any impact on the prison system. Over the past few years there has been a 30 per cent increase in the prison population in this state, and that is why there is the current overcrowding of the prison system which is overflowing into police cells.

I am pleased to advise the honourable member for Bendigo East that that the government is addressing the situation as a matter of urgency. In the recent budget the government provided for some 357 permanent beds in addition to the existing beds in the prison system, which will allow for some growth and for the 200 or so corrections prisoners currently in police cells to be returned to the corrections system. However, that will take probably 12 to 18 months because prison cells cannot be materialised overnight. As a matter of urgency the government is providing 128 additional temporary beds in the prison system, which will allow those numbers to be taken out of police cells. We expect those beds to be able to be delivered in about a month.

In addition, the government — and this is something the previous government did not do — is preparing a 10-year plan for the prison system. That will allow us to plan for future demand growth in prison beds and enable us to be ahead of the game, rather than playing catch up, as the former government went about it.

There is certainly some relief in sight in the hopefully not-too-distant future for the police. I agree that it is unacceptable for prisoners to be crowded into police cells as they are. The government will not allow the inheritance of the previous government to last too long.

**Ms GARBUTT** (Minister for Environment and Conservation) — The honourable member for Doncaster raised with me a series of issues about the Bunyip State Park, which have been pursued by Mr Stephen Dobinson. Mr Dobinson is complaining, apparently — or perhaps the shadow minister is complaining — and saying I do not answer correspondence. Then, of course, the honourable member for Doncaster gave himself away when he said that Mr Dobinson got a letter back saying — —

**Ms Pike** — He is Mr Dobinson!

**Ms GARBUTT** — Every chance.

**Mr Perton** — On a point of order, Mr Speaker, that is the most outrageous slur on the part of the minister. I

quoted a letter from a constituent of this state, who lives beside the — —

**The SPEAKER** — Order!

**Mr Perton** — Please, Mr Speaker, let me finish the point of order.

**The SPEAKER** — Order! The honourable member should come to his point of order and not use the opportunity to present a case or a point in debate. The honourable member for Doncaster, on a point of order.

**Mr Perton** — It is clear that both the Minister for Environment and Conservation and the Minister for Housing have breached the standing orders in claiming that I had written the correspondence. Mr Dobinson is well known to members of the Labor Party, as well as to his local member. It is an outrageous allegation by the minister. It shows that she has not read her email or her letters. To treat the matter with mirth is a disgrace. I ask her to withdraw the comment.

**The SPEAKER** — Order! There is no point of order. The honourable member for Doncaster has clearly used the opportunity to make a point in debate. The minister, concluding her answer.

**Mr Perton** interjected.

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

*Honourable members interjecting.*

**The SPEAKER** — Order! We appear to be having a technical problem.

**Ms GARBUTT** — Thank you, Mr Speaker. So he did get an answer to his initial correspondence, and I am happy to inform the member that I have answered Mr Dobinson's subsequent correspondence as well.

The honourable member for Murray Valley raised with me the higher fuel prices in the country and suggested that a minister in another place consider a proposal being put in Western Australia about converting to liquefied petroleum gas with the assistance of a \$1500 interest-free loan for rural residents.

I ask the honourable member to take that up with the federal government. It is the federal government's imposition of the GST that has pushed petrol prices so high — way over \$1 per litre even in the city — while it is taking out massive amounts, millions of dollars, in excise. I will certainly pass his comments on to the minister, as he has requested, but I suggest he would do more for his constituents if he took the matter up with

his federal government colleagues, who have just imposed upon us this GST which has forced up the price of petrol.

**Ms PIKE** (Minister for Aged Care) — I thank the honourable member for Oakleigh for raising a matter about home and community care. Honourable members know that the home and community care (HACC) program is an excellent program that allows older people to remain in their own homes for as long as possible and to lead independent and satisfying lives. It is a vital program for many frail older members of our community and many people who are disabled.

Currently HACC funds are distributed to municipal areas in different parts of the state, using a tool called the relative resource equity formula (RREF), which was introduced in 1994. Over the years many providers have raised serious concerns about the RREF. They have recognised that there is growing demand for HACC services in their region and they consider the formula to be rather a crude instrument for distributing funds in the HACC program. In particular, what the RREF fails to do is take into account factors such as socioeconomic status, health status, cultural and linguistic diversity and geographic factors such as remoteness, as well as other factors, so that we are really getting a distortion of the funds and an inadequate recognition of the peculiar issues that pertain to certain regional and municipal areas.

The government has now determined that it will review the RREF. That review, which should be completed in early 2001, will result in a vastly improved tool with greater sensitivity to the kinds of factors I mentioned before that lead to demand for HACC services.

As I said, we have already begun the review process with a range of organisations such as the Municipal Association of Victoria, the Victorian Local Governance Association, the Royal District Nursing Service, the Ethnic Communities Council, representatives of rural councils, and of course people who provide HACC services. The reference group will work with the Department of Human Services in the development of a consultation paper and will oversee consultation.

The ultimate outcome of that particular piece of work is that in future the home and community care services and the allocation of funds to support those services will be more sensitive to the needs of Victorians right across the state.

As part of the government's election commitment, it has provided an additional \$14 million over four years.

That is above and beyond what is required by the commonwealth as growth funding. Clearly this government has an enormous commitment to the home and community care program. We are expanding it, putting more money and resources into it and ensuring that the money that is there to be distributed for all Victorians is distributed in a much more equitable way.

**The SPEAKER** — Order! The house stands adjourned until tomorrow.

**House adjourned 10.45 p.m.**