PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

15 December 1999

(extract from Book 6)

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By authority of the Victorian Government Printer

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WEDNESDAY, 15 DECEMBER 1999

Wednesday, 15 December 1999

The PRESIDENT (Hon. B. A. Chamberlain) took the chair at 10.03 a.m. and read the prayer.

SUPREME COURT JUDGES

Annual report

Hon. M. R. THOMSON (Minister for Small Business) presented, by command of His Excellency the Governor, report for 1998.

Laid on table.

PAPERS

Laid on table by Clerk:

Auditor-General — Report on Land use and development in Victoria: *The State's planning system*, December 1999.

Forensic Mental Health Institute — Report, 1998–99.

Health Promotion Foundation — Report, 1998–99.

Infertility Treatment Authority — Minister for Health's report 13 December 1999 of receipt of the 1998–99 report.

Legal Ombudsman's Office — Report, 1998–99.

Superannuation Board — Report, 1998–99.

CFA: INDUSTRIAL DISPUTE

Hon. B. C. BOARDMAN (Chelsea) — I move:

That this house calls on the Minister for Industrial Relations to demonstrate leadership in the current industrial dispute within the Country Fire Authority led by the United Firefighters Union's attempt to erode the role of the volunteer firefighters by forcing them into union memberships.

There is no doubt that opposition members understand the importance of this incredibly topical issue. Most honourable members would be aware that there is a total fire ban in force across most of Victoria today. Most honourable members would also be aware that the fire season that commenced just under two weeks ago has the potential to be extremely dangerous and one of the worst on record.

Following a record drought and a lack of recent rain the bush is dry and it is of paramount importance that Victoria should have a professional, effective and efficient fire service. That is exactly what Victoria has in the Country Fire Authority (CFA). The authority has 63 000 volunteer firefighters and 288 career firefighters operating out of 1218 fire stations, 20 of which are fully staffed. The service it provides is second to none. It enjoys a worldwide reputation as one of the most professional, envied and dedicated firefighting forces in operation today, and it is the largest volunteer force in the Southern Hemisphere.

The service provided by CFA volunteers and staff is cost efficient and is designed to meet the needs of taxpayers. It is second to none. It is testament to the credibility and professionalism of CFA members that the force exceeds the statewide criteria in 92 per cent of call-outs. That raises the question of why any individual or organisation would want to change such a professional, dedicated and incredibly adequate organisation, yet that is exactly what the current campaign of the United Firefighters Union (UFU) is aimed at doing. The union is attempting to erode the role of volunteer firefighters for its own unjustified and selfish political ends.

It is clear the United Firefighters Union has a national campaign to take over and undermine the role of volunteers. Its ongoing media campaign appears to have no purpose other than to erode public confidence in the CFA and the morale, confidence and dedication of volunteers and staff. The campaign was initially centred on the outer metropolitan area and focused on questioning various issues, including the standard of fire cover, the ability of career firefighters and volunteers to fight wildfires in unison and the ability of the leadership of the CFA to control and dictate the terms on which the issues would be fought.

Volunteers have been fighting bushfires and wildfires for as long as anyone can remember. They are the people who have the necessary experience and dedication, and who give up their time to provide a service to Victorians. That is of concern to and causes a problem for the union, which considers the use of volunteers to be its greatest threat. The use of volunteers undermines the union by not allowing it any advocacy, by denying it a role in the service and by strengthening the role of the CFA and the work done by the volunteers. In essence the use of volunteers diminishes the power of the union. Consequently for about the past 12 months the union has run a campaign to try to undermine the confidence of and confidence in the CFA, justify its own self-interest and find some entrepreneurial new initiative to boost declining member numbers.

I turn to the connection between the union and the Australian Labor Party. The Australian Labor Party's web site contains an outline of organisation affiliations under the heading 'Labor and the Unions'. The outline refers to state branches of unions being affiliated to

state branches of the ALP and affiliated unions giving financial support to the party. It includes a list of unions affiliated with the Victorian branch. The United Firefighters Union is prominent on the list, together with all sorts of other unions. The UFU supports the ALP in both a professional and financial sense.

A question of credibility arises about what the UFU is trying to do. Is it merely a stooge for the government and the ALP or is it genuinely trying to represent the interests of the service and the firefighters it purports to represent?

I refer back 12 months when this industrial dispute received prominence. An editorial in the *Age* of 5 January titled 'We deserve the best fire service' and subtitled 'Victoria needs an efficient well-run fire service, not one beholden to sectional political interests' sums up perfectly the campaign of the United Firefighters Union. It states:

> Politics and firefighting are a volatile mixture. The core of the current 'dispute' between the United Firefighters Union and the CFA has more to do with the Realpolitik of unionism than with firefighting … It is in the union's interest, of course, that the full-time, paid service expands further into the outer suburbs, because this would mean more jobs and more union members …
>
> To suggest a rationalisation of the administration of Victoria's fire services is not to belittle the role of volunteer firefighters. They have a proud tradition of service and sacrifice in this state. Volunteers must remain the backbone of firefighting in Victoria, just as they are in other parts of Australia and around the world. Nor is it an endorsement of the UFU's self-interested campaign against the CFA.

The UFU, perceiving the volunteers as a threat because it cannot recruit them as members to boost its own coffers, then went on a damaging, irresponsible and misleading public campaign to undermine the role of the volunteers to substantiate its own self-interest. That sparked a degree of debate from many sectors of the public. An unsourced letter from a professional firefighter from Carrum Downs was published in the *Herald Sun* of 8 January. The letter published under the title 'Firefighters need unity' states:

> Part of that confidence derives from active reporting of all the facts, not selective use of sensationalism and emotional snippets as used by Peter Marshall of the United Firefighters Union …
>
> Finally, if Mr Marshall is so concerned about averting future fire tragedies and the delivery of 'professional' firefighting services, then he and the organisation he purports to represent (UFU), should concentrate on uniting all Australia's firefighters, not dividing them by pitting 'career' against 'volunteer' or vice versa.

That was written by a member of the CFA, not a volunteer but a professional firefighter. I am more than happy for government members to examine that letter and question its genuineness. When the actions of a union are questioned by its members, there is certainly a problem that needs to be resolved.

The UFU then went into damage control. On 13 January, Patrick Geary, the then president of the UFU, wrote a letter to the *Herald Sun* stating that the union was not anti-volunteer. His pitiful response states:

> I wish to make it clear that the UFU is not anti-volunteer, in fact it is very pro-volunteer. The UFU understands that Victoria cannot be serviced totally by career firefighters, but relies on volunteers for efficient and effective fire prevention and suppression for country Victoria.

That is an utter contradiction. While the president of the UFU has tried to defend his union's stance, the secretary of the same union has eroded that confidence and tried to dismantle the CFA by criticising every aspect of its operation from command down to the most inexperienced volunteer; and in continuing that in a misleading, inaccurate and irresponsible manner he is dividing the CFA, diminishing morale and putting the safety and welfare of Victoria in danger, particularly in firefighting issues.

The former government entered the debate. The *Herald Sun* of 15 January reported the Premier, Mr Kennett, as saying:

> Mr Marshall wanted only to boost union members and it was rubbish firefighters were untrained.

It was as simple as that. Mr Marshall's campaign was simply to boost the number of members. The union was unresponsive and unrepresentative and this was a selfish attempt to substantiate it.

At the start of the fire season in 1999–2000, the Minister for Industrial Relations is no doubt aware of the current dispute within the CFA but remains silent. The minister is either not interested or she does not know. I am sure opposition members have made her aware that the campaign is far from over. Leadership has to be demonstrated and, most importantly, care and consideration shown to not only the CFA volunteers but to all Victorians. On 1 December, during debate on a motion moved by Mr Birrell, the minister is reported to have said — I am conscious of not wanting to quote *Hansard* — that it would be grossly improper to discriminate between members of a trade union and non-members when it comes to employment prospects. They were the minister's own words — that it would be

improper to discriminate between union and non-union members.

The UFU has done precisely that. It is there to divide, discriminate against, and to further its own needs because it thinks it would be better off. I refer to examples of some of the bans recently applied against volunteers by the UFU at career fire stations. I note, as I mentioned in my opening remarks, that only 20 CFA fire stations have career firefighters. I also note that while the bans are suspended, they are in no way lifted and can be brought back by a telephone call. Examples of the bans include a refusal by career firefighters to carry non-union members — that is, volunteers — on CFA appliances. That has been documented as occurring at Corio, Geelong City, Frankston, Boronia, Dandenong and Doveton stations. What hypocrisy and complete and utter irresponsibility. A union directive is jeopardising the public safety and firefighting abilities across the state. The direction means that the union could not work with volunteers, those people who have given up their own time to service the state and who have dedicated their own time to provide a service for Victorians.

Other issues include the refusal by union members to service breathing apparatus following its use at incidents. On one occasion the CFA had to withdraw from use a pumper at Boronia because the breathing apparatus sets were not operational as they had not been serviced or recharged following a fire. That not only places the individual firefighter at risk but is jeopardising the safety of the people involved at the fire. If the equipment is not up to a standard where it can be used adequately, there is a question mark over the supposed professionalism of the organisation.

There have been other more compelling incidents such as the refusal to service breathing apparatus used by volunteers from fully volunteered stations. If a station is staffed with volunteers and they are out fighting fires and using the equipment they are supposed to use when performing that task, the union directive is, 'I am sorry, that has been used by volunteers, we will not re-service it. We do not want to have anything to do with it'. It is outrageous and preposterous.

A refusal to pick up hoses used at incidents resulted in hoses being left laying on the ground until the CFA engaged a contractor to pick them up. The CFA had to waste resources by employing a contractor to perform the menial task of picking up a hose because of the union directive. Another example is a ban on the refuelling of firefighting vehicles. An occasion has been documented where the officer in charge of a station had to go out and refuel the truck himself. Can honourable members understand and believe that? The direction from the unions was to not refuel the truck, so the officer in charge, in the interests of his members, went out and performed the task himself.

An issue I am disturbed about — and I am sure opposition members will totally agree with me — concerns a ban on radio traffic, no communications via the airways, no turnout messages, no on-scene messages — for example, other brigades that responded to calls supporting career stations or being supported by a career station were unaware of the number of units in attendance, the number of units called or who would be attending. There does not seem to be any direction or leadership in those examples. A call could be given for a fire at an urban property. A career firefighting unit might respond, volunteers might get the call as well, but because of the lack of radio traffic, no-one knows who is attending.

What happens when there is an accident on the way to the scene? What happens if the fire is less or more serious than was first reported? The lack of leadership and communication is outrageous, irresponsible and dangerous and puts all Victorians at risk — and a report I have read states that it is unsafe and could have fatal consequences.

Other issues include the banning of overtime at firefighters' home stations. However, firefighters are permitted to work overtime at other stations, so travelling allowances would also have to be paid by the CFA. It is nothing more than utter greed. The result will be that a firefighter working at another station will be able to claim not only overtime — paid for out of that other station's budget — but also a meal allowance.

That demand coincides with the selfish, pitiful and greedy attempt by the UFU to have the career firefighters award restructured. The union will not accept firefighters working day shift between 8.00 a.m. and 6.00 p.m. unless they are paid shift allowances identical to those paid to people working afternoon and night shifts. Who can believe or understand that? A union that claims to be representing its members is asking that they be paid a shift allowance for a normal day shift that they have signed up for as part of the obligations and responsibilities of employment — that is, through greed it wants more money. It is classic and utter discrimination.

In her response to the motion the minister acknowledged that it is not only illegal but completely unacceptable to discriminate between union and non-union members. But by her inaction, silence and obvious lack of understanding of the issue she

condones not the actions of the CFA but those of the UFU.

The final straw was an advertisement placed in regional newspapers in Melton and Werribee by an organisation calling itself Representatives of Professional Firefighters in the state of Victoria. The organisation has been revealed as nothing more than an attempt by the UFU to hide its identity. The disturbing advertisement, which is headed 'Fire — are you protected?', puts a few points, the first of which is:

> If a firefighting crew and appliance are not on scene within 7.7 minutes, your house fire will not be contained to the room of origin, instead you will lose your greatest asset, and more tragically, possibly, your life and/or a loved one.

Who could believe an organisation would put an advertisement in a newspaper saying that the service provided by the CFA is not good enough and could cost people their property and their lives? The second point in the advertisement is:

> In the metropolitan fire district where residents are covered by 24-hours-a-day, year-round professional firefighters, 9 out of 10 times fires are contained to the room of origin.

The third point is:

> Why?
>
> Because of rapid, professional response with highly trained firefighters and large-capacity pumps with pressure hose reels.

As I said, more than 92 per cent of call-outs from the CFA meet or exceed expectations on a statewide level. The garbage in the advertisement placed by Representatives of Professional Firefighters in the state of Victoria is alarmist and irresponsible. People reading the advertisement would think the professionalism of firefighting in Victoria is simply not up to scratch.

The advertisement is an attempt by the UFU to undermine confidence in the CFA volunteers so it can increase its membership by justifying its call for more career firefighters. If that were to occur, the $100 million-odd CFA budget would grow sixfold — that is, it would cost Victorian taxpayers some $660 million for the equivalent full-time service the Country Fire Authority now provides. It would do nothing to improve service levels, which are excellent. All that would happen is that Victorian taxpayers would have to pay six times the amount they currently pay for the same service currently provided by volunteers who donate their time and work professionally and unselfishly! Firefighting brigades play a vital and pivotal role in rural areas, particularly in providing a community focus. The proposal does nothing to stabilise that current situation; instead, it will harm it.

The UFU is not satisfied with attempting to erode confidence in the volunteer service. It wants to be involved in everything, including the training of volunteer firefighters. Earlier this year Peter Marshall from the UFU put out a press release saying that the money the CFA administration spent on training equated to nothing more than $2 per week per volunteer. He said it would be more expensive to buy each volunteer a Big Mac hamburger! He said the CFA spends its $7 million budget mainly on resources and equipment.

He also said more money was spent on corporate organisation than on training. How misleading can a statement be? Of course a volunteer service — that is, one in which people are not on contract and are not paid wages — will not cost a huge amount of money. In the normal urban brigade situation, 30 volunteers are trained by 3 other volunteers in a 3-hour program. Not 1 cent is spent on the members because they are volunteers, which creates an unparalleled cost efficiency. The resources and equipment certainly cost money, but most volunteers will tell you that they are satisfied and happy with the level of resources and equipment. How can anyone say that not enough money is spent on training when expenditure on training is not the issue given that wages are not involved?

The CFA acknowledged that improvements could be made in training. It entered into a partnership with the Swinburne University of Technology and the University of Ballarat to establish a statewide training program so that all CFA volunteers would be trained to level 2 Australian firefighting competency or the equivalent qualification. That exceeds the training members of the Metropolitan Fire Brigades (MFB) are given — and under the current training regimes they cannot provide proof of their qualifications. The training program has commenced and already 1400 kits have been distributed to volunteers. The program is responsive, targeted and more than adequate to meet the needs of volunteers in providing professional and competent firefighting services across the state.

However, the union was not satisfied with that; it wanted to try to undermine the quality of the program. It wanted to implement its own training regime so that it could provide paid occupational health and safety union staff to justify its existence and provide the link between the union and volunteers. It not only showed complete contempt for the program that the CFA presented but effectively said to all the volunteers 'We

don't like what you're doing. We don't think you're up to the task. We don't want to work with you, irrespective of whether on paper you will be more highly qualified than your MFB counterparts. We're going to take another tack to try to undermine your credibility'.

All these questions need to be answered. Why is the government silent on the issue? Why is a professional, credible and responsive organisation such as the CFA being belittled and undermined by a Labor-supported union led by someone more interested in playing personality politics than in representing his members? Why is the CFA not getting an adequate response and the representation it deserves from the government?

The current action is merely an attempt by the United Firefighters Union to address the decline in union membership across the state by trying to sign up volunteers. The CFA has issued a directive saying that it will not deal with the union in negotiating on volunteer terms because the union has no role to play in that. But that will not stop the UFU. It wants to sign up volunteers simply in an attempt to boost its numbers.

Hon. N. B. Lucas — It's a recruitment drive!

Hon. B. C. BOARDMAN — As Mr Lucas says, it is a recruitment drive. The only offer the union has made to volunteers is that they can become affiliate members. Costs for membership are $15 for a student and $30 for others, and the only thing that gives members is access to the union newsletter. That is the great sales pitch: 'Pay $30 and join the union. We won't give you any representation or help you with any issues; but here, read the newspaper.'! A volunteer in the Country Fire Authority would not find that appealing. In fact, it was so appealing that of the 63 000 volunteers less than 4 per cent have taken up the offer!

I call on the minister to demonstrate some leadership. She has a duty to examine the issues clearly articulated this morning and find some solution to the problems. While this irresponsible and selfish action by the militant United Firefighters Union is in place the safety of Victorians is at stake. It is especially important during this coming season that firefighting services are not disrupted. Victoria faces one of its greatest firefighting threats for many years, so it is essential that the excellent firefighting services provided by the authority are not undermined by a union that is attempting to justify its worthless and irresponsible leadership.

Hon. M. M. GOULD (Minister for Industrial Relations) — I reject the motion. Unlike Mr Boardman I checked with both the United Firefighters Union and the Country Fire Authority (CFA) about the claims made by the honourable member in his motion and his contribution this morning.

Honourable members interjecting.

The PRESIDENT — Order! The Leader of the Government has just commenced her contribution. I ask honourable members to allow her to continue in relative silence.

Hon. M. M. GOULD — I asked both the union and the authority whether disputes are taking place. Guess what — no industrial disputes are taking place today or took place yesterday.

Mr Boardman is wrong. He did not bother to check with the union or the authority about the issues raised in the motion. There is no attempt to erode the role of volunteer firefighters by forcing them into union memberships. Before framing the motion Mr Boardman did not check with the union or the authority. The union supports volunteers and wants to ensure that they are given assistance in improving their training so they can safely perform their duties as volunteer firefighters. That is something all honourable members should support. Volunteer firefighters perform an important service for the Victorian community and they should be able to go about their duties safely.

On behalf of both volunteer and career firefighters the union has organised campaigns on a number of issues, but particularly on the issue of increased staffing levels. Demographic studies conducted by the authority show that at the base level the number of volunteers is decreasing. The authority has identified that important issue, which the union supports. Additional staff would reduce pressure on the shrinking volunteer base.

Mr Boardman says the union is attempting to force volunteers to join the union. He is wrong again. Union membership is $30 a year. Honourable members opposite have never been members of a union so they would not know the going rate of union membership, but $30 a year is very cheap. Students or members of another union can pay a $15 concessional fee. Membership entitles them to assistance on matters such as making Workcover claims and discrimination complaints and other issues affecting their service.

Has Mr Boardman checked the number of volunteer members of the United Firefighters Union? Out of the 63 000 volunteers there are 200 members of the union.

On those figures it is not possible to say that volunteer firefighters are being coerced to join the union. It is a pity Mr Boardman has not taken the trouble to check these matters. The CFA is not aware of a single complaint from its volunteer membership about the issues raised in the motion, not one!

Hon. M. A. Birrell — Says who?

Hon. M. M. GOULD — The Country Fire Authority. It is not aware of any complaints by volunteers about their being forced to take up union membership. Yesterday I received an email from Mr Peter Marshall, the secretary of the United Firefighters Union in which he states:

> The suggestion that the union is attempting to force volunteers into union membership is a blatant untruth of which as secretary of this union I must request at the very least an apology by the author of this statement.
>
> The union has never sought to coerce any member either volunteer or professional officer into becoming a member of the union. This is not only illegal but against the principles of our union.
>
> As for the suggestion of this alleged activity being part of a industrial dispute the author should check his source of information.
>
> Currently there are no bans or limitations in place in the CFA.

Unlike the opposition, the government is trying to find solutions for the problems that arise with workers and their employers. It was through that leadership that I brought the Country Fire Authority and the United Firefighters Union together and the bans were lifted.

An Honourable Member — When?

Hon. M. M. GOULD — A couple of weeks ago.

An Honourable Member — Really.

Hon. M. M. GOULD — Yes, really. The parties sat down at the table and the bans were lifted. The parties are negotiating — —

Honourable members interjecting.

Hon. M. M. GOULD — There is no dispute taking place today. All bans have been lifted.

Honourable members interjecting.

Hon. M. M. GOULD — It is the truth, and the Honourable Cameron Boardman should be ashamed of himself.

Honourable members interjecting.

Hon. M. M. GOULD — It is only the Bracks government that will look after the 700 000 workers the former Kennett government turned its back on. It is only the Bracks government that will work with all the parties as part of a balanced approach to industrial relations. That is what leadership is about, not turning one's back on people and not making inaccurate statements or moving misleading motions. The Honourable Cameron Boardman was wrong — —

Honourable members interjecting.

Hon. M. M. GOULD — The intervention of the Bracks government has caused the lifting of the bans. That is what leadership is about. For those reasons I reject the motion.

Hon. K. M. SMITH (South Eastern) — I support the motion moved by my colleague, Mr Boardman, calling on the Minister for Industrial Relations to show some leadership in the current industrial dispute between the Country Fire Authority (CFA) and the United Firefighters Union (UFU).

Honourable members have wasted 10 minutes of parliamentary time listening to the minister making excuses on behalf of the United Firefighters Union. What a disgrace! Did the minister check the statements she made? The opposition has checked out the concerns expressed by the CFA, not only during the past two days but also over the years the dispute between the two firefighting organisations has gone on.

The CFA comprises mainly volunteers, but the UFU is trying to force them to join a union, so giving it a legitimacy it does not deserve. Honourable members have heard Peter Marshall repeatedly condemn the CFA. During the recent Longford royal commission he condemned the volunteers who had put their lives at risk. Peter Marshall himself should be condemned and damned for what he said.

Some 63 000 volunteers around the state provide Victorians with one of the best firefighting services in the world. The CFA has been in action for more than 50 years, during which its members have put their lives at risk for their communities. All honourable members will remember last year's fires at Linton, where volunteers gave their lives in an attempt to save the lives and properties of others.

Volunteers want to work for their communities, not become embroiled in industrial disputes. Peter Marshall wants only to ingratiate himself with his union mates at the Trades Hall in the hope that eventually he will sit on the other side of the chamber where most union representatives finish up.

I can only speak highly of the firemen in this state, whether they are members of the CFA or the Metropolitan Fire Brigades (MFB). I am sorry the unions are sticking their noses in and trying to force themselves on to volunteers.

What is it all about? In the early days Victoria consisted mostly of bushland. The CFA was set up to service all of Victoria, apart from a small part of Melbourne, which was covered by another fire brigade. As Melbourne spread the unions saw an opportunity to expand their membership to include the CFA. Once the unions had their hands on the 200 career firemen in the CFA, they extended their octopus-like tentacles into the volunteer organisation.

Mr Boardman cited many of the dreadful incidents that have occurred in this ongoing dispute. Yes, the dispute has been called off, but it is called off every year during the fire season. At least the firemen involved are showing some decency, if not the unions. The firemen know that if as a result of bans being put in place during the fire season the lives of Victorians are threatened, the public relations fallout would be appalling.

The people of Victoria are unaware of some of the incidents that have occurred. As Mr Boardman said, the career firemen will not allow volunteers on CFA appliances. That is a disgrace, because the equipment is supplied by the CFA from the taxes collected from Victorians. Career firefighters will not service breathing apparatus: they are prepared to sit around the station all day waiting for a fire, but they will not service the equipment. When their pagers ring the volunteers race to the station to fight a fire or deal with some other community problem, only to find their breathing apparatus has not been serviced.

What are they supposed to do when career firemen are being well paid for doing that sort of job? As Mr Boardman mentioned, the career firemen will not even fill up the fire trucks with fuel or pick up the hoses. It is a disgrace! Who the hell do they think they are? They are firemen who are supposed to be working for Victorians.

There are 63 000 volunteer firefighters, and the minister could think only about how the $30 affiliation fee would entitle them to assistance with Workcover. I have some news for the minister: the volunteers are not covered by Workcover — they have their own system of compensation. Peter Marshall does not tell the truth.

Honourable members interjecting.

Hon. K. M. SMITH — Minister, you said volunteers. Would you like to change that? Firefighters and firemen of the Country Fire Authority and the Metropolitan Fire Brigades respectively are paid mainly from levies that are charged on all household insurance policies. If this insidious campaign by Peter Marshall and his team of thugs — —

Hon. T. C. Theophanous interjected.

Hon. K. M. SMITH — Mr Theophanous, you know they are thugs in the way they work. If they continue to work like that some outer city CFA brigades will be deprived of the funds they need to run properly because funds that normally go to CFA volunteer brigades, which are spread around the outer fringes of Melbourne, will go to the MFB. Is the campaign aimed at building up the MFB and giving unions more opportunities to grab members? I am sure a no-ticket, no-start policy operates at the MFB and that everyone there has some form of union cover, whether they want it or not.

Hon. T. C. Theophanous — How do you know?

Hon. K. M. SMITH — Go and ask Peter Marshall; you should have done a little bit of investigating. No-one at the MFB or at any of the other brigades around the suburbs of Melbourne would not be in that situation. It is a disgrace because employees should not have to be tied to a union in that way. Earlier the minister said there would be no discrimination between union and non-union members. I suggest she try to join a brigade, because anyone who is not a union member will be refused.

The dispute has been suspended again, as has happened on prior occasions when Victoria was approaching a fire season. The suspension was not achieved by the minister, it was done by Ken Williams from the office of the Minister for Police and Emergency Services in the other place.

Hon. M. M. Gould interjected.

Hon. K. M. SMITH — The industrial liaison officer. Let's keep it cool — —

Honourable members interjecting.

Hon. K. M. SMITH — Who is he working for? He is responsible for calling off the dispute.

Hon. M. M. Gould — Phil Martin worked for me at the time.

Hon. T. C. Theophanous — Wrong again.

Hon. K. M. SMITH — Opposition members are not wrong again. We know the facts, but the minister does not know what is going on in her department.

Victoria has a fantastic group of volunteer firefighters who provide a great service through the CFA. They give their time to their communities — —

Hon. T. C. Theophanous — And you are trying to bag them.

Hon. K. M. SMITH — No, I said Victoria has a great group of people.

Hon. T. C. Theophanous — Why are you bagging them?

Hon. K. M. SMITH — I am not bagging them. I am bagging Peter Marshall and his mates from the union, who are trying to force themselves on Victoria's volunteer firefighters. If they are allowed to succeed they will eventually ruin the CFA. The authority's force includes people from urban fire brigade associations, both volunteers and those who look after the volunteers, and they are doing a great job.

There is a proposal to set up a training course at the University of Ballarat and Swinburne University so firefighters can gain a certificate to hang on the wall. However, most volunteer firefighters are so well trained they do not need certificates to prove they have passed particular courses; they are constantly involved in fighting fires, and a certificate is not needed for that.

Hon. T. C. Theophanous interjected.

Hon. K. M. SMITH — Mr Theophanous's friend and his union mates do not want that to occur; he has involved himself with the teachers and the education unions, and with the Minister for Post Compulsory Education, Training and Employment in the other place, and has said, 'These people are not allowed to run these courses; we will not allow them to do it. The courses are not approved by us.' The truth is that the courses would be run by and would give fully trained firemen an opportunity to pass on the experiences they have gained over many years of fighting fires to thousands of officers in training.

Why? So a certificate can be hung on the wall. Why? Because your people from the Metropolitan Fire Brigades — from the union — are talking about insisting on a certificate of competency. CFA fire men and women should not be forced to do this; they are volunteers who are sometimes better trained in fighting bushfires and wildfires around the state of Victoria than the people in the MFB.

Hon. T. C. Theophanous interjected.

Hon. K. M. SMITH — Better trained than your people, Mr Theophanous. I managed to get in here, but it still surprises me that you did.

It is important that support is shown for volunteer firefighters and that they are not left open to the thuggery of the United Firefighters Union and Peter Marshall. He will not be allowed to denigrate the volunteer firefighters around Victoria. The opposition will stand up and support them. The Leader of the Government in this house should stand up and show some leadership to improve the lot of the CFA and take away the pressure being put on members by the UFU. Leader, this is your big chance to stand up and be counted.

Honourable members interjecting.

Hon. K. M. SMITH — She stood up for 10 minutes and gave us the greatest lot of drivel I have ever heard in my life. All she did was make excuses.

Honourable members interjecting.

The PRESIDENT — Order! The Leader of the Government gave the house the benefit of her views on the matter and should allow Mr Smith to have his say.

Hon. K. M. SMITH — I support the motion of Mr Boardman. I have the greatest respect for firefighters regardless of whether they are MFB or CFA firefighters. In supporting Mr Boardman I ask the Leader of the Government to show the necessary leadership — not just for 5 minutes but full-time leadership in her capacity as the Minister for Industrial Relations. Get off the backs of the CFA; get Marshall off the backs of the CFA; and support our CFA volunteers.

Hon. R. F. SMITH (Chelsea) — I reject the motion on the basis that it has no credibility. It is just a union-bashing exercise demonstrating the conservative dogma of members on that side of the house who continually go on about the relationship between unions and the Australian Labor Party as if it had newly evolved over the past few weeks.

Honourable members interjecting.

Hon. R. F. SMITH — For a hundred years a relationship has existed between the industrial wing and the political wing called Labor. My advice is: get used to it. What is the difference between the relationship between the union movement and the Labor Party, and

business and its running dogs on the other side of the house?

Honourable members interjecting.

The PRESIDENT — Order! The Honourable Ken Smith has made his dissertation and should keep quiet. I ask the Honourable Bob Smith — who will be provocative, as that is the nature of the debate — to keep it reasonable.

Hon. R. F. SMITH — I did not realise I was being provocative. Nevertheless, I will continue in the same vein.

The PRESIDENT — Order! In a robust vein.

Hon. R. F. SMITH — As I say, I do not understand the hypocrisy of the opposition and its stance that it is okay for the business end of the community to have its representatives in Parliament but it is not okay for the workers to have their representative in this place. Mr Cameron, I wonder — —

Hon. K. M. Smith — Mr Boardman!

Hon. R. F. SMITH — A Freudian slip. Mr Boardman, were you a member of the Police Association, or did you just ride on the back of the association and collect the benefits?

Hon. B. C. Boardman — You cannot ask me questions.

Hon. R. F. SMITH — I notice the honourable member's reluctance to answer.

The opposition seems concerned about the United Firefighters Union (UFU) marketing itself to volunteer firefighters. What is wrong with a union marketing its wares and trying to demonstrate to workers that there are benefits in joining its association? It is making use of market forces. What is wrong with that? The opposition should support it. The UFU clearly wants to demonstrate its ability to recruit all firefighters, regardless of whether they are volunteer or permanent staff. It is simply trying to raise the floor and deliver greater benefits to all firefighters. What is wrong with that?

The true test of the UFU's standing is how many people it recruits. If the opposition is correct and those volunteers are being browbeaten, shanghaied and forced into the union — —

Hon. Bill Forwood — They are your words, not ours.

Hon. R. F. SMITH — That is what you are suggesting. The truth will be demonstrated by the number of people it recruits. I do not know what the opposition is worried about. Is it afraid of freedom of association? Do opposition members think there is something wrong with people joining unions or with unions recruiting members? The answer is they do, because it is not in the best interests of the people they represent! The business community does not want unions.

As well as being a member of Parliament the Honourable Ken Smith is a member of the H. R. Nicholls Society, which proudly states in its anti-union dogma that the best way to increase productivity is to make workers fearful of losing their jobs! That may have been acceptable in 1900, but it is not acceptable in 1999.

The government will continue to show leadership and commonsense in industrial relations. That means working cooperatively with all interested parties — something completely foreign to honourable members on the opposition side. They do not have a clue about industrial relations. To them, cooperative industrial relations means wielding a big stick — or using a wooden stake to ward off Dracula!

On behalf of the government the Minister for Industrial Relations has taken the appropriate action and fixed the dispute, although the opposition has difficulty accepting that fact. Instead it has moved a motion of no substance based on dogma and union-bashing — and it has failed. On that basis, the government rejects the motion.

Hon. W. R. BAXTER (North Eastern) — The debate has been disappointing. The well-presented case put by the Honourable Cameron Boardman has been met with an absurd response from the government, not least of which has been the response from the Honourable Bob Smith, who talked for 5 minutes about anti-union dogma and other irrelevancies, which I will come to in a moment. The same is true of the Minister for Industrial Relations, who treats her responsibilities as a minister of the Crown in a most cavalier fashion.

Hon. T. C. Theophanous — At least she doesn't treat it in a caviar fashion, like your lot did!

Hon. W. R. BAXTER — Mr Theophanous, you ought to reflect on the fact that when your party was elected to government unexpectedly it was so short of experienced members that it had to bring into the cabinet five ministers who had never served in Parliament before — and even then you were unable to make the cut.

One of the most dramatic days of my life was 6 October 1992 when, at Government House, I was sworn in as a minister of the Crown. As I swore the two oaths, complex and convoluted as they are, the magnitude of the responsibilities I was assuming as a minister came down heavily on me, and all my colleagues who were being sworn in on that day felt the same way. It smartened up my appreciation of what I was taking on, what was expected of me personally and professionally and, most importantly, the duty I owed the Victorian community.

Having listened to the minister's response, I do not think she would have had the same feelings when she was sworn in. She seems to have seen being sworn in as something that happened on the day and which would make no difference to her modus operandi. She seems to have seen it as something that would not prevent her from taking a partisan approach, continuing to be an advocate of the union movement or skating over the important issues of the day without reflecting on her responsibilities as a minister of the Crown.

Hon. M. M. Gould — How would you know how I feel now or felt on that day? How can you make an assessment of my feelings on that day?

Hon. W. R. BAXTER — The minister has just confirmed my theory. Her response to the motion demonstrated graphically that she did not take what happened on the day in question at all seriously. Hers was a frivolous response to an important motion.

When it all boils down to it, the minister resorted to the technical defence that the dispute is not on foot today nor was it on foot yesterday. It was not until later in her response that the house heard the claim that she had fixed it. I reject her claim. All that has happened, as Mr Boardman explained to the house, is that the pernicious activities of the union — the bans — have just been suspended. The bans have not been lifted. They will be reimposed at another time when it suits the union's purposes to do so.

The minister adopted a technical defence. However, it does not suit the union's purposes to have the bans in place at this time. That is so for a number of reasons, not the least being the reason the Honourable Ken Smith alluded to, which is that Victoria is approaching potentially the worst fire season since the Ash Wednesday bushfires of 1983. It would clearly be disastrous from a public relations point of view if the media were running stories that the union was actively undermining the capacity of the Country Fire Authority (CFA) and its volunteers to fight fires. Yes, the bans are not in place at this stage — but the dispute is ongoing. Before she claimed to have fixed it, the Minister for Industrial Relations endeavoured to convince honourable members that she had checked to ascertain whether the dispute was afoot. Those two things are contradictory: if the minister claims to have fixed it, why did she need to make inquiries to ascertain whether the dispute was afoot? She would have phoned up the union — it is on her speed dial. She calls the unions before she does anything.

The minister also claims to have consulted the CFA. I have no doubt that she did, although she was unable to tell the house to whom she spoke at CFA headquarters. It might have been more pertinent to perhaps have consulted the volunteer organisations. Did the minister consult with the Rural Fire Brigades Association, for example, or the Urban Fire Brigades Association? Clearly the answer is no, but they are the representative groups for the volunteers. They are the spokespersons for the volunteers, yet the minister did not take it upon herself to consult them or believe she had any need or responsibility to do so.

Rather than getting a technical answer from the CFA — I do not criticise the answer it gave, because it probably gave absolutely the correct answer to the question it was asked — it might have been more productive and more consultative for the minister to have consulted the volunteer organisations. However, that was not done. The minister just gave the technical defence that the bans are not currently in place. Honourable members know they are simply suspended.

The whole situation is undermining the morale of the volunteers in the CFA. For more than 21 months now they have been concerned by this union push to sign up volunteers, but they have been able to ride with it and handle it. However, with this new government having come into office and with the Minister for Industrial Relations having already demonstrated her propensity to sing from the union hymnal at every turn, the volunteers are gravely concerned that the government will aid and abet the United Firefighters Union (UFU) in blackmailing volunteers to join the union. That is the concern, and that is why the motion has been brought before the house today: to highlight the fact that the union now has friends at court; and that the union is stepping up its campaign, which Mr Bob Smith has indicated has been spectacularly unsuccessful until now because the volunteers have resisted the overtures from the union.

We now have a pro-union Minister for Industrial Relations, who obviously intends to aid and abet the union at every turn in extending its pernicious influence into the volunteer system. Also, much to my surprise,

the minister seemed to indicate her belief that CFA volunteers are workers. Several times she referred to them as workers. That is an insult to the volunteers. Most of them, in their own private lives, are workers — employees, business managers, farmers or whatever — but I do not think any of them would define themselves under the term 'worker' in their volunteer activities at the CFA. They do not see that volunteering for the CFA is some sort of master-servant relationship where they might feel they need some industrial body to represent them. That again demonstrates the total lack of understanding the government has about volunteers in the CFA; it wants to consider everyone on the basis of there being employment, a boss and workers. That is simply not the situation in the real world of the CFA, as you would well know, Mr Deputy President, from the electorate you represent.

There are some 63 000 CFA volunteers. Most do it out of a sense of duty to their communities. We are fortunate that among those 63 000 there is a percentage — I do not know what percentage, possibly 10 per cent — who are utterly dedicated to the task as well. They are the ones who turn out on Sundays to do the radio schedules and vehicle maintenance and who keep the fire stations tidy. And they are the ones who train their colleagues in the way that Mr Boardman outlined. They are the ones who train their colleagues at no cost to the community for their volume of work or time. Yet the United Firefighters Union (UFU) wants to stick its beak into the training so that the training becomes a great expense to the taxpayer.

It wants to overturn the marvellous system that now exists where experienced volunteers train the newer volunteers. What is the consequence if we allow the current system to be overturned and allow a paid work force to come in to do the training? It simply means that we either cannot afford to do it and it is not done, or the taxpayer or the insured bear the higher costs.
Mr Boardman proposed that the cost of replacing the existing volunteer system with a fully paid work force would be $600 million. No-one in this chamber suggests that is affordable to the state or even that it should do it.

However, the UFU wants to get more and more responsibility for itself, by small increments. It wants to extend its influence and insert into volunteer activities the sort of regime it tries to insert everywhere — the pernicious influence of the union, giving power to the union leadership. The union is not particularly interested in the welfare of its members, as we have seen in many examples of union activity. But it wants to put power into the hands of union officials. It wants a membership base that it can manipulate for its own ends. That is what it has tried to do with the CFA, almost by stealth, but the union has been exposed by volunteers who are alert to what is happening and can see what the union's ultimate aim is.

It is outrageous that in endeavouring to blackmail volunteers the union would put in place some of the bans we have seen over the past 12 months or so — the refusal to take trucks out that are carrying volunteer firefighters, refusing to service some of the vital equipment and so on. It is a disgrace that one Australian would put at risk the life of another Australian simply because that second person was not a member of a union and was a volunteer. What is our society coming to if that is — —

Hon. T. C. Theophanous — You're a disgrace, making that sort of comment!

Hon. W. R. BAXTER — It happens to be true. Everywhere we turn we have the pernicious influence of union leadership, and this is yet another example of where that influence was going to be extended. But the UFU has been sprung; it has been caught out. I am glad Mr Boardman has raised the issue through the motion now before the house so that we can get it out into the open; so that people can be aware there is absolutely no compulsion on them to join the UFU; and so that the opposition can stand up for their rights, even if the government will not.

Honourable members heard from Mr Bob Smith many assertions and allegations about the Liberal Party having some connection with big business, saying if that is so, why can't the Labor Party have connections with unions? Honourable members on this side of the house have total freedom of association. We do not criticise people for being members of the H. R. Nicholls Society, or whatever. It is not a society I choose to join, but I do not object to those who wish to join doing so. The difference is that the unions want to extend compulsion.

Hon. T. C. Theophanous interjected.

Hon. W. R. BAXTER — They do.

Hon. T. C. Theophanous — It is a dead argument.

Hon. W. R. BAXTER — Mr Ken Smith used the example that anyone who goes to the fire station down the road and asks to join without being a member of the firefighters union will be shown the door forthwith.

An Honourable Member — Straightaway.

Hon. W. R. BAXTER — Straightaway; and it is an example of compulsion that a person will not be accepted unless that person joins the union. Where is the great freedom of association that is subscribed to by honourable members on this side of the house, but not by those on the other side?

Hon. T. C. Theophanous — You subscribe to union bashing, and you always have.

Hon. W. R. BAXTER — Mr Theophanous says that I subscribe to union bashing. I do not do that at all. However, I have never been backward in drawing attention to the nefarious activities of many unions — the way they coerce and manipulate their members and refuse to give them the right to a secret ballot to elect union leadership or at strike meetings and the like, and the way they are prepared to have thugs standing in the aisles when a vote is taken so that those who put up their hands to vote against the union leadership can be identified and dealt with later. That is the difference.

To draw attention to the fact that the activities of the United Firefighters Union in endeavouring to coerce volunteers to join the union are of concern to volunteers, I refer to a letter that in April a firefighter in my electorate sent to *The Fireman*, the journal of the Country Fire Authority and its volunteers.

Hon. T. C. Theophanous — Is this another unsourced letter?

Hon. W. R. BAXTER — It is a letter sent to *The Fireman* on 16 April. It indicates that the dispute is not of recent origin and has been going on for some time. It states:

> I recently attended — —

Hon. M. M. Gould — On a point of order, Mr Deputy President, the honourable member is quoting from a letter. I ask him to give its source, to say who wrote it and give its date.

Hon. W. R. BAXTER — The letter is dated 16 April. It was sent to *The Fireman*. I know the author, but he signed it 'Name and address supplied', as people often do when writing letters to an editor. He did that because he was not prepared to risk retribution from the union. I assure the house that the writer has been known to me personally for 20 years. The letter states:

> I recently attended the urban associations open forum representing my brigade and I commend the association for this opportunity for representatives to raise issues.
>
> However, I was dismayed to learn that we have CFA volunteers joining the United Firefighters Union. I was always under the impression that I volunteered my services to the local brigade to serve the community with absolutely no thought of there being any form of a master/servant relationship that would warrant union membership to protect my 'rights'.
>
> I have always been under the impression (and correct me if I'm wrong) that if I had a concern that affected my service or relationship with the CFA I would take my problem to the brigade meeting where I can exercise my vote. If the brigade resolved that the matter be referred on it would be communicated to my local regional council, a meeting attended by my brigade delegates who are able to vote on all matters before the meeting. If the regional council now share my and my brigades concern the matter is referred to the Victorian Urban Fire Brigade Association where our regional council executive member has the right to exercise his vote.
>
> If the item is supported by the executive it is forwarded to CFA for consideration. The executive also have two of their members on the CFA board who also have a right to vote.

Hon. T. C. Theophanous — On a point of order, Mr President, under the standing orders a member is required to give his or her own speech. I have listened to the honourable member, who is reading at length an entire letter, which is unsourced in any case. It is reasonable for quotes to be used during the course of a speech to highlight a particular point, but it is not reasonable to read out an entire speech or letter that has been written by somebody else. If the honourable member is keen that the house examine the letter, the proper course is for him to table and not read it, particularly given that it is not properly sourced.

Hon. Bill Forwood — On the point of order, Mr Deputy President, that is the biggest load of nonsense the house has heard from Mr Theophanous for a long time. My first point is that Mr Baxter has spoken now for nearly a quarter of an hour, during which time he has given his own speech in his normal manner. He has done it professionally, intelligently and raised point after point. My second point is that Mr Baxter is now not reading an unsourced letter; he is reading a letter that was published in *The Fireman* magazine, the magazine that belongs to the — —

Hon. T. C. Theophanous — He didn't say that, did he?

Hon. Bill Forwood — Mr Theophanous interjects, 'He didn't say that'. Now there is a disagreement between the Leader of the Government and her own backbench on the issue. There is absolutely no point of order, as Mr Theophanous knows. He is entitled to read the letter, and he should.

The DEPUTY PRESIDENT — Order! On the point of order, the reading of letters has long been a custom and practice of the house. Further, if the house wishes the letter to be included in *Hansard*, it has every

right to ask that it be included. There is no point of order. I believe Mr Baxter was building his speech in relation to the motion.

Honourable members interjecting.

Hon. T. C. Theophanous interjected.

Hon. W. R. BAXTER — That is a reflection. I am aware that Mr Theophanous does not like the contents of the letter so far. He will not like the final paragraph either, which I am about to get to. As I have said previously, the letter was sent to *The Fireman* in April. The final paragraph says:

> Compare this with union membership, you pay the UFU your $30, they say they will 'represent' you, but don't even have the decency to offer you the right to vote.

That really sums it up. The union has been going around coercing the volunteers, who are not employees, to join the union, pay their membership, have their subscriptions extracted year in and year out, but does not have the decency to offer them a vote. That is why the campaign has been spectacularly unsuccessful — as the Honourable Bob Smith acknowledges. Only a couple of hundred people have fallen for it.

I reiterate my opening remarks — that is, the whole campaign undermines the morale of the volunteers and saps some of their confidence and enthusiasm. However, worse than that, it undermines the confidence of the general public in the efficiency of the Country Fire Authority and its ability to deal with the outbreaks of fires we all know Victoria experiences from time to time.

The sad part of the response from the government is that there has been no acknowledgment of the tremendous service we have in Victoria, which should be totally and fully supported by government. Nothing should be allowed to transpire which in any way diminishes, undermines and reduces confidence in the service. Yet none of that has been spoken about by the two speakers from the government. All we heard was a defence of the union's ability to go around imposing on volunteers.

I thank Mr Boardman for moving the motion. If the government opposes it, it is nailing its true colours to the wall as being nothing more than an apologist for the union movement.

Hon. JENNY MIKAKOS (Jika Jika) — I oppose the motion. About the only thing on which the government agrees with the opposition is that Country Fire Authority (CFA) volunteers are important and valuable members of our community. It is indefensible of the opposition to seek to create artificial differences between the professional firefighters employed by the Metropolitan Fire and Emergency Services Board and the professional firefighters and volunteers who work for the CFA. All those individuals put their lives at risk on a daily basis to protect the lives and properties of Victorians.

Mr Baxter was disgraceful in his questioning of the professionalism of those individuals. I am sure they are so professional that they would even speedily attend a fire at Mr Boardman's St Kilda home! The 63 000 volunteers who work for the CFA — —

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! Conversations across the chamber are disorderly.

Hon. B. C. Boardman interjected.

The DEPUTY PRESIDENT — Order! Mr Boardman, please be silent. The cross-conversations are to cease.

Hon. JENNY MIKAKOS — The 63 000 volunteers who work for the CFA deserve proper training and resources. During his speech Mr Boardman made several references to newspaper articles on training. The Victorian Workcover Authority has raised several concerns about training, as has the CFA safety officer. I refer to an article in the *Age* of 15 October where several references were made about training issues.

Hon. Bill Forwood — What were they?

Hon. JENNY MIKAKOS — The Victorian Workcover Authority called on the CFA to provide detailed information about its training of volunteer firefighters after a series of alarming safety incidents during 1998–99.

Hon. T. C. Theophanous — Was this when Roger Hallam was the minister responsible for Workcover?

Hon. JENNY MIKAKOS — That is right. Also, a CFA safety officer, Mr Andrew Marmion, is reported as saying that:

> … a special CFA report on Longford revealed CFA volunteers 'lacked proper accreditation and capacity in relation to breathing apparatus; had deliberately misrepresented their accreditation in order to be part of the operation; took up duties at the site impaired by alcohol and lack of sleep and displayed a lack of discipline at the incident scene'.

Those are issues of grave concern to the government. In addition, the Linton fire tragedy in December last year, in which five CFA volunteers from Geelong were killed, also raises serious issues. Mr Boardman referred to an *Age* editorial of 5 January. Had Mr Boardman gone on to read the full editorial, he would have noted that it also states:

> Victoria needs to search for the most sensible, most efficient structure for the delivery of firefighting services to all citizens, regardless of where they live. In a fire-prone environment such as ours, it should not be the dollars that dictate the outcome of such a search.

I refer opposition members to the Labor Party's policy document.

Hon. T. C. Theophanous — They love reading our policy document.

Hon. JENNY MIKAKOS — They love reading our policies but obviously they have not read this one which is titled 'Labor's community protection action plan'. The policy states:

> Labor is committed to increasing resources for CFA brigades across Victoria to ensure they are supported in their activities.
>
> Labor will provide additional funding for protective clothing, training, routine maintenance and for administrative support. This money will be exclusively targeted to brigades.
>
> Labor will allocate $3.5 million over the next four years to support CFA brigades across Victoria.

That is a lot more than what the previous government did to support CFA volunteers. The government is concerned about public safety, whereas the opposition is obsessed with having a go at unions yet again. Opposition members are obsessed at having a go at workers who choose to join a union. I use the term 'workers' because volunteer workers are workers whether they are paid or not paid. Perhaps the opposition is not familiar with the concept of work. It is interesting that the Honourable Bill Baxter referred to the master–servant relationship, which says a lot about the way the opposition views industrial relations in Victoria. The government is prepared to protect workers adequately, unlike the approach of the previous government which abandoned Victorian workers to the Reith regime, if I can call it that.

Some CFA volunteers choose to join the United Firefighters Union (UFU). Joining is a voluntary issue. Honourable members have been provided with unsubstantiated and unsourced allegations by Mr Baxter in his attempt to demonstrate some sort of blackmail. He has shown no evidence of any such blackmail.

Hon. Bill Forwood — What a head-in-the-sand argument that is.

Hon. B. C. Boardman — What do you call bans?

Hon. JENNY MIKAKOS — As the Leader of the Government has said, there is no evidence of any bans or dispute between the CFA and the UFU at present. The CFA has indicated — —

Hon. Bill Forwood — You have no credibility at all!

The DEPUTY PRESIDENT — Order!
Mr Forwood, you will have your opportunity later.

Hon. JENNY MIKAKOS — The CFA is not aware of any complaints of volunteers being forced into membership of the UFU. The motion shows how out of touch and irrelevant the opposition is. It may not know it, but the voters of Burwood and the voters of regional Victoria know it and that is why it will be confined to the opposition benches for a long time.

Hon. BILL FORWOOD (Templestowe) — I support the motion.

Hon. R. F. Smith — You are embarrassed by it.

Hon. BILL FORWOOD — I am not embarrassed at all; I am appalled at the contributions from the government. This is a serious motion on a serious issue at a serious time of the year. I am now a city person, but I lived in the country and was a member of a brigade. We had a D6 bulldozer and took fire protection seriously. The bulldozer was available for preventive use and for fighting fires. Our property bordered a national park and those honourable members who know what it is like having the government as a neighbour will appreciate how important it is that one is prepared for any issues that may arise.

I know a number of honourable members who have fought bushfires as volunteers, as I have. They have gone out night after night, day after day. The issue before the house today is serious. Honourable members received a half-baked response from the minister; and an apology for the unions from our friendly hack from the Australian Workers Union, Mr Bob Smith.

Honourable members interjecting.

Hon. BILL FORWOOD — Honourable members heard some extraordinary half-baked interjections from Mr Theophanous. Then we heard one of the saddest contributions I have heard in this place for a long time.

Your performance has set your career in this place back a long way, Ms Mikakos.

The DEPUTY PRESIDENT — Order! Mr Forwood should direct his remarks through the Chair.

Hon. BILL FORWOOD — The motion is about the Leader of the Government, because it calls on her to demonstrate leadership. Earlier by interjection I said that if she had been the responsible officer at the charge of the light brigade no-one would have been killed: she would have been the only one on a horse — she would have had no followers. Leaders need followers, but she has none because of her total lack of leadership. That was evidenced by her response to the motion, when she suggested that there was no industrial dispute.

Hon. T. C. Theophanous — It's been suspended!

Hon. BILL FORWOOD — Mr Theophanous just helped my case. The United Firefighters Union (UFU) is trying to enrol volunteers, and Mr Theophanous has just said the dispute has been suspended. In other words, by implication he has admitted that the dispute is still on, but it is on hold! The reason is that putting bans on fire trucks during the fire season is pretty bad public relations. The union will have bans in place throughout the year, but not when fires are likely to occur. That does not mean that the dispute is not on or that the union is not trying to rope people in. It just means the union is trying to be a bit subtle — but not very — about what it is doing.

One thing we know — and this picks up a claim made by Ms Mikakos — is that the union is banning the training of volunteer firefighters. People are going out to fight fires but you lot are banning their training! I have seen the letter your union mate Peter Marshall wrote to the Minister for Post Compulsory Education, Training and Employment, in which he said, 'You can't let this training take place. We seek a meeting so we can stop the training'. What sort of responsible union or other organisation would set up such a situation? People who are about to go out to protect the community need and want to be trained, but the union says, 'Oh no, we can't have them being trained. It might get in the way of what we want to do' — that is, to rope them.

Mr Boardman listed the bans that the union has put on volunteers. It is nonsense for the minister to say 'We have suspended the bans, therefore there is not a dispute', and she should be condemned for saying so. It would have been easy for the government to say, 'We will show leadership. We support the motion. We support the Country Fire Authority and we do support the 63 000 volunteers who give their time and put themselves and their properties at risk'. It would have been easy for the minister to say, 'I will provide leadership and the government will provide leadership: we support the motion'.

Instead all we have heard is that the government will oppose Mr Boardman's motion, the only reason being that the minister is so tied up with the union. A little bit of balance or evenhandedness would be useful. I know Ms Gould has made a good career through her association with the union movement. I do not deny her that. I congratulate her on it, because she has done very well. I also congratulate her on becoming the Leader of the Government in this place. I have no doubt that she thoroughly deserves the position she has, which she has won through her work in the union movement, including her time with the National Union of Workers and as a member of the Australian Council of Trade Unions executive and training boards. In congratulating her on all that, I say this to her: now you are a minister of the Crown, a little bit of balance would be useful.

Honourable members interjecting.

Hon. BILL FORWOOD — The motion is important, and this is an important time of the year for firefighters. I am disappointed that the Leader of the Government will not demonstrate the leadership that is required.

Hon. G. W. JENNINGS (Melbourne) — I am happy to contribute to the debate. I make it clear that on every occasion it can the government will express its gratitude for and appreciation of the extraordinary contribution made by career and volunteer firefighters in Victoria. The very nature of fire creates an immediate and urgent crisis in the natural environment. It puts people's lives at risk and has the potential to damage property. The intangible nature of fire and the frenzy that climatic conditions can generate are some of the most horrendous attributes of the natural environment. Any person who puts his or her life at risk in attempting to quell a fire makes a significant contribution to humanity, the natural environment and the community in which he or she lives. Anybody who is prepared to make that significant contribution deserves our gratitude and wholehearted support.

One of the issues that divides the government and the opposition concerns the contribution that the United Firefighters Union (UFU) can make to resourcing, to maintaining an appropriate level of wages and conditions, and to the safety of career and volunteer firefighters. The opposition does not recognise that the

union should involve itself in industrial relations issues affecting firefighting services or that unions have a role in the public sector or industry because of the knowledge base of their officers and the passion of those officers for their field of endeavour.

One of the fundamental building blocks of the Labor Party, particularly when in government, is its belief in the passion and ability that officers of unions bring to their field of endeavour. The government does not have ideological reservations about those issues. When pursuing industrial claims unions may adopt certain tactics that the government may or may not agree with. The Minister for Industrial Relations said this morning that together with the Minister for Police and Emergency Services she intervened to resolve the industrial dispute. The minister showed leadership and demonstrated her commitment to resolving disputes that may have existed between the union and the employer.

The government supports that type of dispute resolution. It does not support the motion because it is based on a false premise relating to the commitment of the union. The government believes the union has a commitment to ensuring that firefighting activity in Victoria is adequately resourced and that appropriate training is given to career and volunteer firefighters. The minister has provided leadership by resolving the dispute and continues to provide leadership by ensuring Victoria has a long-term capacity to protect the community and the environment. The government will grapple with the necessity for ongoing resourcing of the permanent firefighting base in the Metropolitan Fire Brigades and the Country Fire Authority. It will ensure that sufficient ongoing and capital funding is provided and that adequate training is provided to the huge voluntary firefighting service provided by decent, honourable people in the community.

From time to time, especially with industrial relation issues, there may be differences between the government, the opposition, employers and unions about appropriate methods and where the emphasis should be. The government recognises that firefighting services, particularly in the volunteer sector, demand a most rigorous and comprehensive training program. It will ensure that the appropriate occupational health and safety protocols and procedures are in place so that voluntary firefighters engaged in the frenzy of fighting fires have adequate training and resources.

There are serious concerns about the capacity of the community to deal with fires in and around Melbourne's growth corridors, because firefighting services in those areas are underresourced. The government may be required to establish an additional 19 fire station in the outer metropolitan areas and provide the necessary resources for them. However, that obligation will go only part of the way to ensuring resources are in place. Honourable members may be aware that of the total resources required the government contributes 12.5 per cent, local government contributes 12.5 per cent and an insurance levy provides 75 per cent. The government will examine and respond to the important issue of resourcing.

I commend the minister for her leadership in taking the appropriate action to remove bans. The government is committed to providing adequate resources and training to all volunteer firefighters.

Hon. B. C. BOARDMAN (Chelsea) — The debate clearly demonstrates two things: firstly, that the only political organisations capable of adequately representing the needs of volunteer firefighters is the Liberal and National parties; and secondly, that the minister is incompetent and unable to understand or grasp the issues in the motion.

The minister said she intervened and solved the industrial problem affecting volunteer firefighters. She said she sought an explanation from both the United Firefighters Union (UFU) and the Country Fire Authority (CFA). How can a minister who is taking the credit for resolving a dispute say that she had to take instructions from both the union and the authority. To solve the industrial dispute she would have had to be aware of all the facts and would not have had to resort to waiting for an email from the secretary of the union before commenting. The minister's lack of understanding of the dispute is distressing and unbelievable.

I stated in my opening remarks that the bans were suspended, not lifted. The union knows it would be a public relations disaster to have bans in place prior to a fire season. The campaign by the union concerning the training of volunteer firefighters conducted by the authority in partnership with Swinburne University of Technology and the University of Ballarat is ongoing — it has not been resolved.

That dispute has not been resolved. The minister contradicted herself and does not understand the issue. The Honourable Bob Smith acted in his usual manner as an apologist for the unions and asked about the relevancy of my membership of the Police Association. As a former member of the Police Association I had certain rights. I had the right to vote and to have legal representation, advocacy and advice. The United

Firefighters Association gives volunteers none of those rights. No representation — —

Honourable members interjecting.

Hon. B. C. BOARDMAN — The only government member to make any reference to the CFA's valuable contribution was the Honourable Jenny Mikakos. However, she did it in the typical Labor Party-driven style of personally attacking me for moving the motion. Emily's List certainly has had no return on its investment with Ms Mikakos's election.

The Minister for Industrial Relations has shown no leadership. She shirked her responsibilities and showed no care and consideration for the CFA. Not once did she mention the valuable work done by all 63 000 volunteers. Victoria is facing one of its potentially most disastrous fire seasons ever. The Bracks government should be ashamed of its pitiful response to the debate, its lack of action and its intolerance towards the CFA. If government members do not vote for the motion they will show contempt for the CFA.

House divided on motion:

Ayes, 29

Ashman, Mr
Atkinson, Mr
Baxter, Mr
Best, Mr
Birrell, Mr
Bishop, Mr
Boardman, Mr
Bowden, Mr (*Teller*)
Brideson, Mr
Coote, Mrs
Cover, Mr
Craige, Mr
Davis, Mr D. McL.
Davis, Mr P. R.
Forwood, Mr
Furletti, Mr
Hall, Mr
Hallam, Mr
Katsambanis, Mr
Lucas, Mr
Luckins, Mrs
Olexander, Mr (*Teller*)
Powell, Mrs
Rich-Phillips, Mr
Ross, Dr
Smith, Mr K. M.
Smith, Ms
Stoney, Mr
Strong, Mr

Noes, 13

Broad, Ms
Carbines, Mrs
Darveniza, Ms (*Teller*)
Gould, Ms
Hadden, Ms (*Teller*)
Jennings, Mr
Madden, Mr
Mikakos, Ms
Nguyen, Mr
Romanes, Ms
Smith, Mr R. F.
Theophanous, Mr
Thomson, Ms

Motion agreed to.

UPPER YARRA VALLEY AND DANDENONG RANGES REGIONAL STRATEGY PLAN

Amendment

Hon. J. M. MADDEN (Minister assisting the Minister for Planning) — I move:

> That pursuant to section 46D(1)(c) of the Planning and Environment Act 1987, amendment no. 109 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan be approved.

Motion agreed to.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Second reading

Debate resumed from 14 December; motion of Hon. J. M. MADDEN (Minister for Sport and Recreation).

Hon. P. R. HALL (Gippsland) — The opposition parties will be supporting the Melbourne Sports and Aquatic Centre (Amendment) Bill. Some important issues will be raised and it is hoped that the minister will respond to them during his summing up of the second-reading debate, otherwise some of the issues might be pursued in the committee stage.

The bill is not complicated. Its purposes are twofold: to rename the Melbourne Sports and Aquatic Centre Trust as the State Sport Centres Trust, and to extend the power of the trust to enable it to manage the State Netball and Hockey Centre and other sports, recreation and entertainment facilities and services. The National Party has no objections to those purposes. The seeds of the legislation were sown by the Minister for Sport in the former coalition government, the Honourable Tom Reynolds, and the bill is not vastly different from the legislation he proposed.

In the consultation carried out by the opposition parties it became evident that people were strong in their praise for the trust. It has done a magnificent job in managing the Melbourne Sports and Aquatic Centre (MSAC) since its inception. I thank the trust chairman, Mr Brian Lowrie, and the following trust members for their efforts to date and hope they will continue to perform in the same manner: Mr Peter Bartlett, Mr Des Bethke, Ms Jane Hansen, Miss Penelope McEniry, Mr Denis Roche and Mr Max Walker. Each of those people are well known in his or her own right and has served the trust well since being appointed.

I also thank the chief executive officer of the trust, Mr Simon Weatherill, who has been very helpful in passing on comments about the legislation and informing the opposition parties of the activities of the trust. Praise for the work of the trust was strong from all those consulted, and I commend it for the work it has done.

The Melbourne Sports and Aquatic Centre has been an outstanding addition to Victoria's sporting and recreational infrastructure. No honourable member could fail to recognise the vision of the former Kennett government in establishing such a facility. It has been a marvellous success.

Since its opening in July 1997, over 3 million people have visited the complex. Most who have been there would know the facilities are first class, particularly for sports such as swimming, diving, water polo, basketball, badminton, table tennis and squash, and gymnasium activities.

Most people would also be aware it has provided a venue for many international, national and state level events as well as, importantly, being a community facility. Facilities such as the Melbourne Sports and Aquatic Centre should provide a venue for championships at an international, national or local level and for community use. Opposition members agree the balance between elite sports and community use must be maintained. The trust has maintained the balance and we are confident it will continue to do so.

Over 4000 people visit the centre daily. For information regarding the large number of school bookings at the centre I thank Simon Weatherill. He provided a list for 1999 showing 186 schools made bookings during the year. More impressively, 82 of those were country schools. The MSAC is a statewide venue utilised by schools and sports people from rural areas, not just a place for people living in Melbourne. Many school visits are associated with trips to Melbourne by country school students. It is great that the facility is recognised and used by country schools.

The MSAC is a fine centre in its own right. As the government is aware, future developments are planned to extend and improve its facilities. The opposition hopes the government will remain committed to the extensions and improvements. On page 3 of the annual report of the MSAC the chairman, Mr Brian Lowrie, commented about the future development, saying:

> On 22 April 1999, the Minister for Sport, the Honourable Tom Reynolds announced that the Victorian government would provide $11 million in the state budget to expand the MSAC. This initial funding is intended to facilitate stage 1 of a three-stage expansion program.

He goes on to say:

> The trust is delighted with this further support from the government, including the prospect of improving the car parking capacity at the centre.

The commitment was given by the previous government and it is hoped the current government will honour the $11 million commitment for the first stage of a three-stage plan to extend and improve the facilities of the MSAC.

The MSAC has been a great acquisition to Melbourne's sporting and recreational venues alongside other significant additions to the sporting facilities in Melbourne started under the Kennett government: the MSAC expansion and the $27 million State Netball and Hockey Centre nearing completion — I will talk about that shortly as it is the subject of part of the bill. The multipurpose sports facility at Melbourne Park incorporating a velodrome is a great facility under construction which we hope will be completed soon.

Public transport access is an equally important initiative of the former government. Public transport access to places like Melbourne Park, the Melbourne Cricket Ground and Docklands with its sporting precinct are all solid and worthwhile achievements of the previous government. The Colonial Stadium at Docklands was also facilitated by the former Kennett government and will be a great acquisition to Melbourne's existing sporting facilities.

The Victorian community has much to thank the Kennett government for given the work it has done to improve sporting and recreation facilities and people's access to them as either participants or spectators.

The bill also provides for the new State Netball and Hockey Centre, which is currently under construction at Royal Park. That $27-million project, which was financed by the previous government through the Community Support Fund, started in March of this year, and it is hoped it will be completed by March or April next year.

The centre will be a state-of-the-art facility for netball and hockey. I am told the hockey centre will include two pitches and a grandstand for 1000 spectators. The netball centre will have five indoor courts, including a 3000-seat show court, and four outdoor courts. Given the popularity and participation rate women's netball is currently enjoying, it is important that Melbourne has a facility to showcase the state's netball talent — and the same is true for hockey. It is estimated that females will

use the facility 70 per cent of the time. That is good, given that the recognition of females in sport is not always what it should be. As I said, the $27-million facility will showcase our netball and hockey talent and make a major contribution to advancing female participation in sport.

I turn to the issues I foreshadowed I would raise, the first of which is the efforts the opposition and the government have made to consult on the bill. When members of the opposition received copies of the bill they spoke to a large number of organisations, including the Melbourne Sports and Aquatic Centre Trust, Hockey Victoria, the Victorian Hockey Association, the Victorian Men's Netball League, Womensport and Recreation Victoria, the Victorian Disabled Sports Advisory Committee, several MSAC trust members, Swimming Victoria, the Victorian Women's Hockey Association, Netball Victoria, the Victorian Institute of Sport, the Victorian Commonwealth Games Association, the Victorian Netball Disability Service, the City of Port Phillip, the Save Albert Park Group and the Royal Park Protection Group.

To the opposition's great surprise, very few of those organisations knew of the bill. Some of them knew of the proposal to have the trust take over the operation of the netball and hockey centre, but they were all completely unaware of any legislation to formalise the arrangement. The Save Albert Park Group and the Royal Park Protection Group, who both have interests different from those of tenant sports organisations, were concerned that they had not been consulted on the bill. The Labor Party preached about being open, consultative and inclusive as a government, yet its consultation on the bill could at best be described as limited.

I mention in particular the views of the Royal Park Protection Group, which involves the first issue on which the opposition will seek a commitment from the government. The Royal Park group was scathing of the government's lack of consultation on the bill. It put out a media release yesterday, 14 December, in which it says:

> The Royal Park Protection Group (RPPG) has slammed the failure of the Bracks state government to consult before introducing legislation.

The media release goes on to say:

> The RPPG has written to Ministers Garbutt, Thwaites and Pandazopoulos and has not received one response. The group has written to Minister Garbutt on two separate occasions without even receiving any acknowledgment. Instead the Bracks government is ramming the Melbourne Sports and Aquatic Centre (Amendment) Bill … through both houses of Parliament oblivious to the damage and potential damage that is being caused …

That comment was from the convenor of the group, Lorna Pitt. She is quoted further as saying:

> This blatant disdain for legitimate community interests does not augur well for a new government which lays claim to being inclusive and consultative.

The opposition was surprised to learn about the lack of consultation with an organisation that has for a long time — and the government knows it — raised concerns about the construction of the facility.

In her accompanying letter to me, Lorna Pitt says:

> We are asking for you to defer the further progress of this bill pending referral to a select committee of council for examination, review and reporting back, or some other mechanism of consultation to address wide-held community concerns.

The opposition has been left in a difficult position given the group's press release and its general comments on the lack of consultation. As Lorna Pitt says, the group wants the opposition to defer passage of the bill until consultation has taken place.

The opposition is aware that this is the last sitting week before the Christmas break. It appreciates the importance of having the trust in place to manage the State Netball and Hockey Centre and realises that delaying the legislation would put the government in a difficult position. To resolve the dilemma, the opposition asks the government to give a commitment that before the bill is proclaimed it will meet with the Royal Park Protection Group to try to resolve the issues the group has raised. Such a commitment is the very least the government can do.

The Royal Park group is also concerned about the lease arrangements for the State Netball and Hockey Centre — in particular, the need for 50-year leases and 50-year licence agreements with tenants. They are the sorts of issues that need to be resolved.

Members of the opposition consulted a number of sporting organisations on the bill. To the great credit of the Melbourne Sports and Aquatic Centre Trust, the feedback we received on the centre's operations was positive. The comments made by Mr Ron Bongetti, the executive director of Swimming Victoria, were typical. In the interests of balance, I will record his positive comments about the trust. In part his letter to me says:

> As you know we are tenants at the Melbourne Sports and Aquatic Centre … as we also manage the retail store, Sports Spot, we are probably the trust's largest rent payer in the

> facility. We were the first sport to sign a contract when the facility was being developed and we conduct over 30 events a year in the aquatic area of the facility. As you would expect we have more dealings with centre management than most of the other sports in residence.
>
> We have found the management at MSAC to be of a very high standard. Like all relationships we have our testing moments but by and large once the deal has been struck their servicing of the contract has been most reliable …
>
> Our board is pleased with the management style and capabilities of the Melbourne Sports and Aquatic Centre Trust and their management team and would support them assuming the additional responsibilities associated with managing the State Netball and Hockey Centre. We do not see these two venues being in competition with each other so we do not envisage any problems arising from their managing the two venues.

As I said, that is typical of the responses members of the opposition received from most of the tenant sporting organisations.

I convey to the minister one further piece of feedback from another organisation with which the opposition consulted, the Victorian Disabled Sports Advisory Committee (VDSAC). In doing so I will seek a commitment from him on a matter that that organisation raised.

In a response to me dated 2 December this year, Mr Bill Walker, chairperson of the Victorian Disabled Sports Advisory Committee, states:

> The VDSAC can foresee no difficulties arising from the proposed amendments and in fact it would seem only logical to bring the management responsibilities of all the relevant centres under one 'jurisdiction' so to speak — a good move.

But Mr Walker then elaborates on a difficulty his advisory committee has. He states:

> However, the VDSAC does have a problem in relation to the lack of administration facilities for itself (and member organisations) at the Melbourne Sports and Aquatic Centre. At present the VDSAC is located in Doncaster, having previously been accommodated in Sport and Recreation Victoria offices from 1985–1996. Our 13 member associations operate across Melbourne, in various locations.

He goes on to say:

> The previous government's aim was to encourage integration between mainstream bodies and organisations involved in the development of sport for people with disabilities. A laudable aim but, in the opinion of many, not always practicable. Concentration usually at the highest level, often for entertainment purposes; lower levels receiving very little attention.
>
> So if there is any action you can take on this front and assist organisations for people with disabilities to really develop via use of resources at our state centre of excellence, we would be most pleased.

I am sure I would not have to argue with the minister about organisations like the Victorian Disabled Sports Advisory Committee wanting to improve their facilities and to more easily mainstream their sports with other sports. I ask the minister whether he would take a personal interest in this matter and work with the advisory committee to seek some resolution in meeting the administration facility requirements of the advisory committee.

A further issue that has arisen in the opposition's investigations of the bill concerns future Commonwealth Games venues. In part it is associated with the Melbourne Sports and Aquatic Centre and the State Netball and Hockey Centre, but it is also associated with the other aspect of the bill — the purposes clause, which says that in future the trust could manage other sports, recreation and entertainment facilities and services across the state. Therefore, it is not inconceivable that other state centres may be managed by the trust and hence the relevance of my remarks in respect of future Commonwealth Games venues.

I raise, firstly, the need to decide on the swimming venue for the 2006 Commonwealth Games. As I understand it, the government has not made a definite decision, but it is important that a decision be made very soon. As I have said, funding of $11 million has been given to the Melbourne Sports and Aquatic Centre for the next stage of its redevelopment plans; the centre will need to know whether the Commonwealth Games swimming venue will be the aquatic centre or elsewhere so that it can best use its $11 million grant. It certainly needs to be planning now for its next stages of redevelopment. If the Commonwealth Games swimming venue is to be the aquatic centre, the centre can plan appropriately; if not, it can also plan appropriately.

The view expressed to me is that the Melbourne Sports and Aquatic Centre could be designed and could become the suitable swimming venue for the 2006 Commonwealth Games. I had a look at the swimming venue at Homebush in Sydney, which is an outstanding venue. It is designed in such a way as to enable the spectator facility to be increased at times when international events are held, such as the Olympic Games in Sydney next year, but at the same time it can serve as a local community swimming pool. Those sorts of facilities can be designed to accommodate international sporting competitions like the Olympic Games, the Commonwealth Games and international swimming trials and incorporate the community uses as well. However, we need to know fairly soon about the swimming venue for the 2006 Commonwealth Games

in Melbourne and I seek a response from the minister on that issue.

I am also aware that lawn bowls is a Commonwealth Games sport and there are many lawn bowlers across Victoria who are looking forward to that event. I know the Labor Party's policy during the election campaign on lawn bowls was a commitment to allocate $1 million, in partnership with other interested parties, to construct an international lawn bowls centre for the 2006 Commonwealth Games within the next four years in Melbourne's eastern suburbs — it specified the eastern suburbs.

The matter was raised with me yesterday when I met with members of the Box Hill Bowling Club: the president, Mr Les King; the secretary, Mr Tom Ryan, and life member, Mr Doug Marrie. One of the difficulties is that the promised extension of tram route 109 from Mont Albert to Box Hill shopping centre — which is terrific — will take about 9 metres of the club's land and greens and consequently make the ground a very unsuitable bowling facility. The club informs me it has been trying for 18 years to relocate and has worked with the Whitehorse City Council to earmark a site called Sparks Reserve. I know the bowling club and the Whitehorse City Council were committed to developing a bowling facility there.

I understand the Box Hill Bowling Club may not be the only club interested in a Commonwealth Games facility, but I believe there is a commitment on both sides of the house to meet the need for a state lawn bowling centre, and the issue also needs to be resolved fairly quickly. Again I ask the minister whether he would be prepared to comment on the matter, particularly taking into account the concerns of the Box Hill Bowling Club, which will lose part of its facility because of the tram extension — so it has a valid case to push for a relocation, which could be incorporated with the development of a new state lawn bowling centre.

Commonwealth Games venues is an important issue and it is relevant to the bill, given that in future the new body — the State Sport Centres Trust — may well manage more facilities than the Melbourne Sports and Aquatic Centre and the State Netball and Hockey Centre.

I turn to a couple of particular clauses of the bill. Clause 13 inserts a new division 3 into the act entitled 'State Netball and Hockey Centre land'. Proposed new section 26D establishes a State Netball and Hockey Centre Advisory Committee. Without reading it exactly, the composition of the advisory committee will be persons nominated by the trust, persons nominated by the Zoological Parks and Gardens Board, a council representative, and such other persons as the minister thinks fit to appoint to represent community groups and organisations interested in the operations of the centre. The opposition has no objection to that; it is a good idea to set up such an advisory committee.

I ask the minister whether organisations like the Royal Park Protection Group might fit into the category of 'such other persons as the minister thinks fit to appoint to represent community groups and organisations'. The opposition believes it would be logical to enable the protection group to fit within those criteria. I ask the minister to indicate whether that is the intent and whether, in his discussions with the Royal Park Protection Group, that particular issue may be raised.

I also note there is no statutory advisory committee for the Melbourne Sports and Aquatic Centre at Albert Park. In the opposition bills committee briefing, for which I am grateful to the respective officers of the minister's department, opposition members were informed that the Melbourne Sports and Aquatic Centre Trust has two advisory committees, although they are non-statutory committees — one being for sporting organisations that are tenants at the centre and the other being for community-based organisations, including the City of Port Phillip.

The Melbourne Sports and Aquatic Centre Trust has operated admirably over the years. It is to its great credit that the two advisory committees have been established, and by all accounts they are working well. However, if a statutory advisory committee has been appointed for the State Netball and Hockey Centre why is there not a statutory advisory committee for the Melbourne Sports and Aquatic Centre? The opposition considers that would be tidier, and although it is not insisting on a comment from the minister about the matter during the course of the debate, it would welcome any such comment.

Proposed section 1(g), which is inserted by clause 5 of the bill, relates to the purposes of the principal act, and states:

> to provide for the planning, development, management, promotion, operation and use of other sports, recreation and entertainment facilities and services in Victoria.

The opposition does not see that as an inappropriate measure. It is possible that future state centres could be managed by the trust. Although opposition members were advised at the briefing there is nothing in particular in the pipeline at the moment, if there were something in the pipeline it would not require

legislation. However, it is hoped the minister would extend the opposition the courtesy of advising it if the new State Sport Centres Trust were to take over the management responsibility of other venues, such as a state lawn bowling centre.

The opposition supports the bill. However, there are some matters on which it seeks a response from the government, and for the minister's benefit I will repeat them. Firstly, the opposition wants to know whether the government will honour the commitment of $11 million in funding allocated by the previous government for the future expansion of the Melbourne Sports and Aquatic Centre. Secondly, the opposition seeks a commitment from the government that it will meet with the Royal Park Protection Group to address its concerns before the bill is proclaimed. Thirdly, the opposition asks for the minister's assistance in considering the needs of the Victorian Disabled Sports Advisory Committee and helping it find a suitable administration site. Fourthly, the opposition seeks clarification of the government's intent with respect to 2006 Commonwealth Games venues, particularly for swimming and lawn bowls.

The opposition hopes the minister can respond to the issues raised, and subject to that is happy to support the bill.

Hon. KAYE DARVENIZA (Melbourne West) — I am pleased to hear from the Honourable Peter Hall that the opposition is prepared to support the bill, which was in large part drafted by the former government.

The two main purposes of the bill are set out in the explanatory memorandum on clause 1 as:

> (a) to rename the Melbourne Sports and Aquatic Centre Trust as the State Sport Centres Trust; —

and to extend the powers of the trust —

> (b) to enable the Trust to manage the State Netball and Hockey Centre and other sports, recreation and entertainment facilities and services.

The bill expands the responsibilities of the Melbourne Sports and Aquatic Centre Trust and changes its name to the State Sport Centres Trust. It links the management of the Melbourne Sports and Aquatic Centre (MSAC) and the Royal Park netball and hockey centre.

As the Honourable Peter Hall has already mentioned, the Melbourne Sports and Aquatic Centre is recognised by both the public at large and within the industry as a highly capable organisation that has managed the facility very well. Significant operational advantages and economies of scale will result from the merging of the operations of the two facilities. The State Sport Centres Trust will have the power to manage the State Netball and Hockey Centre and will have the authority to carry out functions at locations other than Albert Park and Royal Park.

The bill will enable the new trust to take on management responsibility for current and future facilities if the need arises and to use the expertise of the current MSAC trust. It will allow the new trust to manage, at the request of the minister, other state sporting facilities if that should be required at some future stage. It will also enable the trust to undertake a range of management responsibilities at the State Netball and Hockey Centre, including fitting out and refurbishment, the development of operational systems and the negotiation of licence and lease arrangements with principal user groups. The responsibilities extend to powers to make by-laws with respect to entry fees and charges.

The government is sensitive to the place sporting facilities have at Royal Park and to the range of stakeholder interests in and around the park. The Honourable Peter Hall referred to the advantages the facility will provide in the area for female sports, particularly to its encouraging the participation of women in sport. Many honourable members may not realise the role Royal Park has played in sport and other significant events. Sport was played at Royal Park before it was formally reserved as a park. The land was originally set aside for the public's advantage and recreation and was used by Victorians for a number of purposes, including public events of significance, such as the beginning of the Burke and Wills expedition, and sport.

The Victorian Cricketers Guide lists Royal Park Cricket Club in 1860–61, and a Royal Park Football Club was in existence before the Carlton Football Club was formed at the park in 1864. There are records of crowds of up to 12 000 attending Carlton Football Club matches in 1874 and 1875. Sporting activities have been taking place at Royal Park for a long time, and it is significant that major events will be held there in future.

The Royal Park facility is centrally located. It is close to other major sporting facilities and is easily accessible by public transport and major traffic routes, including City Link. Royal Park is considered to be part of central Melbourne and not as being across town by anyone coming from any direction. That is important to the sports concerned because it enhances their ability to attract players and spectators at the centre.

Consultation has also been referred to. It is important for the Bracks Labor government to make provision for and set up proper consultation operations in its legislative program. The bill provides for the establishment of an operational advisory committee to consult regularly on issues of concern.

The committee will comprise representatives of the trust, the City of Melbourne, and the Zoological Parks and Gardens Board. Provision is made in the bill for other interested parties to also be part of the operational advisory committee. The advisory committee's role will be to coordinate park management issues and also issues surrounding the centre that will have an impact within or adjacent to the parkland or reserve. The bill is necessary for the development of the State Netball and Hockey Centre in Royal Park. The centre will play an important part in Melbourne's ability to stage major events, particularly the 2002 World Masters Games and the 2006 Commonwealth Games, as well as other national sporting events.

The bill contains some administrative provisions and housekeeping changes. A single fund will be established with two separate accounts to reflect the financial performance of each facility. Separate business plans will be established for each facility for the approval of government.

In conclusion, the bill is consistent with the Bracks Labor government's policy objectives of building Victoria's sporting life. It is also consistent with the government's objective of supporting the development and professional management of public sport, recreation and entertainment facilities. I commend the bill to the house.

Hon. ANDREA COOTE (Monash) — It is an honour to speak to the bill, because the Melbourne Sports and Aquatic Centre lies within my electorate and is a venue I know well. The former Kennett government should be congratulated on its foresight in establishing such a facility both for the state and for the residents of the City of Port Phillip and Albert Park. The City of Port Phillip was involved in the establishment of that facility from the outset.

It is an excellent facility that has been extremely well managed and administered by Brian Lowrie, the chairman, who is to be congratulated, as are the members of the trust: Dennis Roche, Penelope McEniry, Max Walker, Jane Hansen, Des Bethke and Peter Bartlett. Simon Weatherill, the chief executive officer, to whom I have spoken on a regular basis, has done an outstanding job. He will be getting involved with what is happening at Royal Park to bring that facility up to the same high quality and standard as the Melbourne Sports and Aquatic Centre.

I have visited the complex regularly. On a hot summer's night it is pleasing to see the young families of Albert Park and surrounding areas enjoying the centre, particularly the wave pool. They are having quality time together, and sharing the end of the day. It is pleasing to see so many local people involved.

Hon. P. R. Hall — Did you hop in yourself?

Hon. ANDREA COOTE — I did not hop in myself. On the weekends, children and families visit the centre to participate in and watch the basketball, swimming, squash and badminton. The centre is full of families.

During the week, women are spinning. That is not spinning as in knitting, but spinning on an exercise bike. They wear earphones and are spinning very fast to a lot of aerobic music. I need to go there myself, but I have not done it yet. Women can leave their children at the excellent, well-staffed and subsidised creche. At any given time there are children of all ages, from tiny babies to older children. When I was last at the centre, there was a baby of two weeks and other children up to three and four years. It is well catered for and is an excellent place for women to attend during the day and know their children are well looked after.

Local people know it is an important venue for the whole of the state. They welcome the 4000 visitors to the centre each day and recognise there are 200 major events held yearly. They are proud of that. As the Honourable Peter Hall said, children come from all over Victoria to enjoy the Wipeout program that involves all the water facilities under supervision. This year children from as far away as Mildura and Red Cliffs have visited the centre. The local people feel keenly that it is good to share but it must be understood that it is a local venue as well.

However, I have some concerns — for example, there is a staffing problem with the diving pool. I am worried that there may not be adequate staffing for facilities such as the diving pool when the Melbourne Sports and Aquatic Centre has to share management and staffing with Royal Park. For safety reasons the diving pool can only be used on an irregular basis — for example, on weekends many people have to queue for more than half an hour just to have one dive off a 3-metre board. It is a security and safety issue. I am concerned that the staffing be maintained and not reduced further.

Another problem is the pressure put on the centre because of its excellent facilities — for example,

currently the Japanese swimming team is training in Australia for the Olympic Games. The Japanese team wanted to take over the whole of the pool and was concerned that the lap pools for the locals would be left open. That sort of pressure will have to be continually looked at and I hope there will be adequate staff for that.

As mentioned by the Honourables Kaye Darveniza and Peter Hall, there will be the pressure of the Commonwealth Games. We welcome the Commonwealth Games to Albert Park and to the City of Port Phillip but major concerns will need to be addressed early.

In the annual report, which has been referred to already by the Honourable Peter Hall, the chairman, Brian Lowrie, states:

> The $11 million allocation this year will fund the acquisition and redevelopment of the Distance Education Centre adjacent to MSAC.

More than 20 years ago I worked in what was the South Melbourne technical school as a teacher librarian so I am familiar with the building. It will make an excellent addition to sports medicine and sports administration in conjunction with the Melbourne Sports and Aquatic Centre and I hope to see a sensitive and well-incorporated plan developed with that $11 million. I ask for some assurance that stages 2 and 3 will progress as per the annual report.

Proposed section 26D covers the State Netball and Hockey Centre advisory committee, which the Honourable Peter Hall has spoken about. I am concerned for the local people. As has been mentioned, two advisory committees already exist — one is for the locals and one is for other users. My concern is that the people of Albert Park and the City of Port Phillip are not disadvantaged. In Royal Park there is an advisory committee which will have representatives from the zoo, the trust, the City of Melbourne and other interested people, and it will have a statutory guarantee. There is no such guarantee for the local residents of Port Phillip, Albert Park and South Melbourne. Although I recommend the provisions of the bill, I am concerned that the local residents are properly looked after. I commend the bill to the house.

Debate interrupted pursuant to sessional orders.

Sitting suspended 12.59 p.m. until 2.02 p.m.

QUESTIONS WITHOUT NOTICE

Mining Warden

Hon. PHILIP DAVIS (Gippsland) — I raise for the attention of the Minister for Energy and Resources a matter of great concern to the mining industry. Is the minister planning to downgrade the vital statutory office of Mining Warden to a part-time position?

Hon. C. C. BROAD (Minister for Energy and Resources) — The appointment of the Mining Warden, which is an important position for the government and the industry, came up around the time of the general election. I understand that before the election of the Bracks government the current Mining Warden, who has done an excellent job according to all the representations made to me, expressed a desire to retire. I also understand that on an earlier occasion he had been persuaded to stay on in the position. I am pleased to say that notwithstanding his desire to retire I have persuaded him to stay on for a few more months to allow time for proper consideration of a suitable replacement, including consultation with the industry. That will be a public and transparent process, which did not occur under the previous administration.

I have no intention of changing the nature of the position. As I have said, it appears from all the representations made to me that the position has functioned very well. If in due course after a new appointment is made there is a view that the position does not warrant a full-time appointment, I would be willing to listen to those putting that view. But that is not the view of the current occupant of the position, and I have no proposition before me to make a change. I will always be open to listening to representations from whomever, but most importantly from the new Mining Warden, as to how the position might best operate. That goes to a range of matters, including the time required to fulfil the functions of the position.

Tourism: cruise ships

Hon. KAYE DARVENIZA (Melbourne West) — Will the Minister for Ports inform the house of initiatives being undertaken by the Bracks government to promote the visits of cruise ships to Victoria?

Hon. C. C. BROAD (Minister for Ports) — I am pleased to advise the house that the Department of Infrastructure is currently implementing a cruise shipping web site as part of a package of initiatives aimed at informing the community about the benefits of cruise shipping to the state. Although the industry is very important, it is not well known in Victoria.

The web site will provide information about the Victorian cruise shipping strategy as well as access to a regular newsletter, which among other things will include a schedule of ship visits. People who wish to regularly receive information can through the web site put their names on a mailing list.

Station Pier will host 21 cruise ship visits this season, and 20 visits are already listed for next season. That will commence in October 2000, which is earlier in the year than the current season began. Through such initiatives the Victorian government is demonstrating its commitment to the growth of this important tourism industry, which has significant economic benefits for the state.

Melbourne Park: multipurpose stadium

Hon. K. M. SMITH (South Eastern) — The Minister for Sport and Recreation will be aware of the Kennett-government-initiated Melbourne Park multipurpose stadium, which is being constructed at Yarra Park. Can the minister tell the house which sporting and entertainment events have had to be cancelled because of the militant action taken by the building industry trade unions in making excessive demands on the builders?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — A significant number of issues have contributed to the delay in the building of the multipurpose venue. Some of those relate to days lost because of weather, and some relate to the ambitious completion date of the end of November, which was always going to be difficult to achieve. There are also issues involving the ability of the trust to have the project completed given the crossover of work over the Christmas break. Contractors and subcontractors will of course want to take their Christmas breaks so it will be difficult to maintain a work force during the December–January period. There have been a number of delays off site as well as on site.

In relation to the question about events that have not taken place, the event on which this will have the most impact is of course the Australian open tennis championship, the organisers of which will not be able to use the venue during the traditional time — so it will not be used this January. The trust is addressing those issues and has set in motion alternative arrangements for that event.

Hon. K. M. Smith — On a point of order, Mr President, I specifically asked the minister what sporting and entertainment events had to be cancelled. The minister did not have to go through the diatribe because the opposition knows it is the worst industrial site in Melbourne, if not Victoria. Mrs Coote received a similar response to her question without notice yesterday from the Minister for Energy and Resources.

Hon. J. M. MADDEN — On the point of order, Mr President, I believe I have answered the question.

The PRESIDENT — Order! The question related to sporting events that had been cancelled and the minister referred to the Ford Australian Open. Are any other events involved?

Hon. J. M. MADDEN — Not to my knowledge, because the government is uncertain of the completion date or when the certificate of occupancy will be issued. That will determine what events will or will not take place.

World Superbike Championship

Hon. JENNY MIKAKOS (Jika Jika) — Will the Minister for Sport and Recreation inform the house of the World Superbike Championship that is held at Phillip Island?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — The World Superbike Championship have been held at Phillip Island since 1996. The three-year contract has ended and the Victorian Major Events Company has negotiated to secure the event from 2000 to 2006. Among the conditions of agreement are that no other world superbike events can take place in Australia during this period and television rights must include a 2-minute promotion of Victoria.

Superbike events are one of the fastest growing motor sport series in the world with 160 million viewers in 154 countries. The superbike championship is a vital element of the regional economy with accommodation being fully booked out at Phillip Island during the period covered by the event. In 1996 it was estimated that the economic benefit for the region was $17 million. Crowd numbers have almost doubled since 1996 and this year there were 44 756 spectators. The figures reinforce the contribution sport and major events make to the Victorian economy.

Gaming: machines

Hon. R. M. HALLAM (Western) — I refer the Minister for Sport and Recreation to the Premier's election commitment to introduce regional caps on electronic gaming machines. Will regional sporting clubs be excluded from any requirement to surrender machines in order to deliver the government's pledge?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As mentioned on a number of occasions in the house, I am concerned about the reliance sporting organisations place on gambling. I have raised with the Minister for Gaming the manner in which caps on gaming machines will be introduced. The priority of the government is the relationship between the gaming revenue derived from venues and the way it relates to the long-term viability of sporting organisations. The minister and I will work closely together to monitor the issue and ensure sporting clubs are not affected.

Retail industry: public holidays

Hon. G. D. ROMANES (Melbourne) — Will the Minister for Small Business advise the house what action she is taking to ensure that small retailers in large shopping centres have the opportunity of opening or closing during the Christmas–New Year period?

Hon. M. R. THOMSON (Minister for Small Business) — In late 1997 the former Premier signed an agreement with major shopping centre owners to ensure there was a spirit of goodwill between them and retailers over the Christmas–New Year period. The agreement would enable small retailers to choose whether they opened on Sundays or public holidays. In the lead-up to the Christmas period, the government wants the agreement to continue and in that vein I contacted the Australian Retailers Association and the Executive Officers Shopping Centre Council and undertook to talk with both organisations. They have indicated they will continue the agreement with the Bracks Labor government. The agreement will enable small retailers to choose whether they will take a holiday during the break. They can choose to open or close over the Christmas–New Year period.

Waverley Park

Hon. P. R. HALL (Gippsland) — I direct my question to the Minister for Sport and Recreation. Last Monday Wayne Jackson, the chief executive officer of the Australian Football League, said unequivocally that no AFL home-and-away games would be played at Waverley Park next year and that the facility will be offered for sale. Will the minister now concede that the Labor Party's much vaunted election promise to save Waverley Park is dead in the water?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — I am maintaining ongoing dialogue with Wayne Jackson, the chief executive officer of the Australian Football League, on the potential viability of Waverley Park. Although there are constraints with the ongoing viability of the park, I believe there will be a positive community outcome in the not-too-distant future.

Olympic Games: training

Hon. D. G. HADDEN (Ballarat) — Will the Minister for Sport and Recreation inform the house of Victoria's capacity to attract international athletes for pre-games training for the 2000 Olympic Games?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — This is one of the good news stories for sport in Victoria. The Melbourne Sports Training Coordination Centre was established within Sport and Recreation Victoria to assist in attracting international athletes to train in Victoria prior to the Sydney 2000 Olympic Games.

The centre's current strategy has focused on recruiting individual sporting teams based on particular venues rather than total teams. Some 2500 athletes and 390 officials representing 18 sports and 65 countries have already used the services of the centre since January 1997. That has contributed $10.5 million to the economy of Victoria, based on an average stay of 13 days.

Some 66 sporting teams involving 620 athletes and officials from 22 countries have committed to basing their training camps in Victoria in the two weeks immediately before the games. It is estimated that Victoria will host 1200 athletes and officials in the two weeks before the Olympics, with an economic value of some $3.5 million.

Apart from Melbourne being the destination for a number of sporting teams, one of the best pieces of news is that individual teams will also train in regional and rural cities, including Albury Wodonga, Mildura, Ballarat, Bairnsdale and Nagambie to name just a few, thus reinforcing sport's contribution to Victoria's economy.

Olympic Games: review

Hon. B. W. BISHOP (North Western) — Given the announcement by the Minister for Sport and Recreation of a review of all major sporting events, including where they will be held and the level of government support they will receive, I point out that many towns in rural and regional Victoria have expressed interest in staging events. Will the minister advise the house when the results of the review will be made public?

Hon. J. M. MADDEN (Minister for Sport and Recreation) — As has been discussed, reviews are being conducted into the financing of several major

events in Melbourne and regional Victoria. Currently the review is focusing on additional events that may be initiated in regional and rural Victoria. In answer to previous questions I have outlined a number of initiatives taking place in several parts of regional and rural Victoria. Through supported government funding rural and regional communities will be encouraged to develop facilities to host those events.

Water safety: enforcement

Hon. R. F. SMITH (Chelsea) — Will the Minister for Energy and Resources tell the house what steps the Bracks government has taken to ensure that local waterway agencies have trained officers to monitor and enforce boating safety rules if and when necessary?

Hon. C. C. BROAD (Minister for Energy and Resources) — I have advised honourable members several times of government initiatives for improving boating safety. Local waterways officers make an important contribution to Victoria's safe boating environment, not only around the coastline but also inland. To supplement the resources of the water police some 220 people around the state are authorised to enforce boating safety rules. In addition to those stationed in Melbourne, some are stationed in Benalla and Gippsland.

All those officers will be issued with official identity cards before Christmas so they can clearly identify themselves when conducting their enforcement duties. People will therefore have no doubts about their bona fides. The majority of those officers already hold positions with waterway agencies or local councils and are involved in enforcement activities. However, to supplement that experience, in conjunction with the water police the Marine Board of Victoria provides training to all authorised officers. Early in the new year waterway managers will be invited to nominate further officers to undertake training sessions. The initiatives provide for appropriately trained officers to deal with the boating community in ensuring boating safety.

MELBOURNE SPORTS AND AQUATIC CENTRE (AMENDMENT) BILL

Second reading

Debate resumed.

Hon. G. D. ROMANES (Melbourne) — The Melbourne Sports and Aquatic Centre (Amendment) Bill, which the Bracks government inherited from the former government, is of interest and concern to many of my constituents in Melbourne Province. The bill provides the legal framework for the management and operation of the State Netball and Hockey Centre under the State Sport Centres Trust. The State Netball and Hockey Centre is in Royal Park. The land on which it is situated was removed from the planning control of the Melbourne City Council in December 1998 via an amendment to the Melbourne Planning Scheme, and it was excised from the Royal Park Trust Deed earlier this year.

Although the bill deals with the management of the netball and hockey centre under the State Sport Centres Trust, there are many other planning issues involving conditions of use, such as hours, noise and traffic volume, as well as the relationship between the centre and the remainder of Royal Park which are yet to be resolved.

Those issues will need to be resolved in conjunction with the Melbourne City Council, which is the responsible authority for the whole of Royal Park, surrounding the hockey and netball site.

Representatives of the Royal Park Protection Group and other constituents have spoken to me about their concerns on the bill and other issues relating to Royal Park. The first concern is about the consolidation of the facility that alienates a section of the park in a way that no longer allows joint use of outdoor courts and hockey fields by sporting groups and the general public. Over many decades there has been passive — primarily — and recreational use of Royal Park. Many sporting groups have used parts of the park for their activities but there have always been underlying principles that have maintained a balance between the two types of activities.

One of the principles held dearly by the Melbourne City Council has been the containment of the amount of built structures in the park and the encouragement of open sports fields and other ways of enabling people to play sport at certain times while ensuring the park remains accessible to the general public to use at other times. Understandably the consolidation of a major sporting facility is of great concern to many people.

The second concern is the potential for the future use of the hockey and netball centre as a corporate entertainment facility and the impact that might have on the park. I am sure all honourable members are aware of the pressures placed on sports bodies to find ways of meeting maintenance, upkeep and replacement costs on facilities. Earlier this afternoon while answering a question about gaming and sporting facilities the Minister for Sport and Recreation referred to the means that are often used to overcome the difficulties

associated with finding income to maintain sporting facilities.

The third major concern is traffic impact, and in particular the way increased traffic can permanently affect the way a park operates.

I mentioned previously that I had been in discussion with many people in my electorate who care about Royal Park. They care about it because it is a special park. It consists of some 188 hectares of Crown land bequeathed to the people of Melbourne in 1876 for use as a park. It is one of the world's greatest urban parks and its heritage value needs to be respected and recognised. Its special character is as a natural bushland, evoking as it does the original Australian landscape character of land and space.

That special character was recognised in the Royal Park master plan of 1987, which at the time set the Melbourne City Council on the path of enhancing that character. It was further reinforced not so long ago by the 1997 master plan, which deals with the challenge of putting the development of the park back in line with its natural character following the alienation of large areas for zoo car parking under Commissioner Gosper. The minister is sensitive to those concerns and for that reason the Bracks Labor government has included under proposed new section 26D a provision for a state netball and hockey centre advisory committee consisting of representatives from the new State Sport Centres Trust, the Zoological Parks and Gardens Board, the Melbourne City Council and various community groups and organisations.

As the Honourable Peter Hall advised the house earlier, many different organisations and groups have a stake in the future of this magnificent piece of parkland. As a local member of Parliament I will be nominating various local representatives who I believe deserve a place on the advisory committee and should have their voices heard. Groups who use the area for sport would want to make sure that the facilities remain accessible for everyone and that the hockey and netball centre does not become a centre only for elite sport or corporate entertainment in the future. The advisory committee should include groups such as the Royal Park Protection Group, which has steadfastly cared for the park and kept the Melbourne City Council and the general public aware of its special importance. The advisory committee the minister has proposed in the bill will be a vehicle to allow representative groups to be heard, to monitor concerns and to put important issues concerning the hockey and netball centre and Royal Park before the minister.

The minister is committed to working with the advisory committee and the trust. He wants to see the centre well managed but in a way that is sensitive to the very special nature of Royal Park.

Hon. B. C. BOARDMAN (Chelsea) — I shall make a brief contribution and confirm that the Liberal Party supports the Melbourne Sports and Aquatic Centre (Amendment) Bill.

The bill primarily emulates the work done by the previous coalition government, in particular by the former Minister for Sport, the Honourable Tom Reynolds, and Mr Best and Mr Cover as members of the sports committee, who achieved great results for Victoria and the centre. I am certain all honourable members share my view that the centre is a world-class venue.

Having had over 3 million visitors since it has been operational, the Melbourne Sports and Aquatic Centre provides a standard of sporting facility that is the envy of the rest of Australia. A comparison was made by Mr Hall with the Homebush facility to be used for the Olympic Games in Sydney. I, too, have visited the Homebush facility and acknowledge that it is a marvellous venue. However, Homebush lacks what MSAC has — the integration of many sports under the one roof.

Since changes to the structure of the trust and subsequently to the administration are proposed, it is important to acknowledge that aquatic activities such as swimming, diving and water polo, as well as basketball, badminton, squash, table tennis and netball and other recreational activities such as gymnasium sports and aerobics are available. It is an integrated facility in an integrated centre providing a range of activities to meet the needs of clients in surrounding areas and all of Melbourne. The visitors information data suggests that usage is more widespread than the immediate area, as one would assume.

Clause 1 provides that one of the purposes of the act is:

> (a) to rename the Melbourne Sports and Aquatic Centre Trust as the State Sports Centres Trust;

I point out to the minister that the name MSAC has become well known in the community. I have tried to pronounce SSCT, which is the abbreviation for State Sports Centres Trust, and it does not seem to roll off the tongue as easily as MSAC does! Although it is only the trust that is changing its name at this stage, I hope the MSAC name will remain the same and continue to enjoy the high reputation and recognition it deserves.

Another point I wish to raise further to a point raised by the shadow minister for sport, recreation and youth affairs, Mr Hall, relates to proposed section 26D inserted by clause 13, which provides for the establishment of the State Netball and Hockey Centre Advisory Committee.

There is an ongoing issue regarding the Royal Park group and its interest in the facilities being built, and the level of disdain and confusion that some members of the group have made public about their views. In the interests of establishing the facility and ensuring its operation at world-class standard, I ask the minister to give serious consideration to the methods he will use to placate the group. From the perspective of what Melbourne and the state government are trying to achieve by integrating these sports facilities it seems that our reputation as the sporting capital of Australia and possibly the world may be jeopardised by the continuation of the disputes.

I ask the minister to give serious consideration to proposed section 26D(2)(d), which gives the minister the power to appoint people to the advisory committee as he thinks fit. I acknowledge the statement of the Honourable Glenyys Romanes in her contribution that she would make recommendations to the minister in relation to the appointments, and I trust those recommendations will be in the best interests of the facility and of Royal Park as a whole. It is an important issue that requires serious consideration because those issues that distract from the overall objectives of the facility become disadvantageous to the whole community.

I wanted to make only a brief contribution. I support the bill and the concept of the MSAC, the SSCT and the State Netball and Hockey Centre, and the establishment of the advisory committees. I congratulate the trust and the management and in particular the staff members of the facilities for working with such diligence and commitment to make the facility a magnificent asset of which all Victorians and all Australians can be incredibly proud.

Hon. I. J. COVER (Geelong) — It gives me great pleasure to support the Melbourne Sports and Aquatic Centre (Amendment) Bill and to say a few words about the Melbourne Sports and Aquatic Centre and the State Netball and Hockey Centre at Royal Park. Both will come under the management of the Melbourne Sports and Aquatic Centre Trust, which will be renamed the State Sport Centres Trust.

As Mr Boardman said, the Melbourne Sports and Aquatic Centre is a magnificent facility. My mind goes back a few years to when the centre was under construction and members of the former government's sports committee went on a tour to view its progress. The tour was led by the then sports minister, the Honourable Tom Reynolds, whose outstanding services to government and to the people of Victoria during the seven years he held that position I take the opportunity to acknowledge. For the 10 years prior to that he was shadow spokesman for sport, so in all Tom — if I can be so familiar as to refer to him that way, although I suppose everyone was familiar with Tom — was heavily involved in sport in Victoria for 17 years.

All the committee members had seen the plans and read about the centre; however, it was not until we saw it under construction that we became aware of the scope of the facility and the range of sporting groups it would service. It, too, was being built for the benefit of Victorians without their incurring 1 cent of debt, given that it was funded through the Community Support Fund.

I recall seeing for the first time the state-of-the-art facilities that all honourable members have become aware of since the centre opened in July 1997. I should say that I have not yet used any of them. However, the trust, which will manage the State Netball and Hockey Centre, the Melbourne Sports and Aquatic Centre and other sporting and recreational facilities, might as part of its ongoing planning for sporting facilities in Victoria consider developing something similar in Geelong! I would then have the opportunity to partake of those facilities at close hand.

As part of the planning for the Commonwealth Games, which will be held in Victoria in 2006, a range of additional sporting facilities will need to be brought online. Geelong residents were hopeful an international water sports complex would be developed in the city, for which the previous government committed $9.4 million. Unfortunately, the new Labor government has withdrawn the funding for that development in Geelong.

If the government is turning its back on water sport facilities and participants in Geelong, it might find some way of spending a similar amount, if not more, on other sporting and recreational facilities in the city, which would be managed by the trust as part of its responsibility to oversee sporting and recreational developments in Victoria.

Other speakers, particularly those on the opposition side, have referred to the large number of community groups that were consulted on the bill. The coalition government commenced that process when the bill was

being drafted, and the Liberal and National parties have continued to consult on the bill now that they are in opposition. Mr Hall listed the range of groups that were invited to comment on the bill and put on the record their responses, including the most recent from the Royal Park Protection Group. The Victorian Disabled Sports Advisory Committee was another one of the groups that contributed.

I refer to the impressive range of statistics in the annual report of the Melbourne Sports and Aquatic Centre. In the year beginning July 1997 more than 2.9 million visits were made to the centre, more than 1900 children participated in its Planet Sport program, more than 9000 students participated in the School's Out program, 5600 children had birthday parties there, and 30 000 people took part in its learn-to-swim programs.

I refer to the disabled access facilities outlined in the centre's spring newsletter. The Minister for Sport and Recreation has frequently reminded the house of the way sport can include all people in the community, giving everyone access to a range of activities regardless of ability. That is one of the features of the disabled access facilities available at the Melbourne Sports and Aquatic Centre. When one sees the list of features one can appreciate the leading-edge approach taken in providing them.

The impressive list includes lift access to all levels; disabled shower and toilet facilities in all parts of the centre; a ramp to the spectator seating at the competition pool; a fixed hoist for entry to the multipurpose pool; a moveable hoist for other pool entries; a moveable floor in the multipurpose pool; dedicated wheelchair viewing positions in the competition pool seating area; beach entry into the wave pool, enabling direct access to waves; the outfitting of the aquatic area with aqua wheelchairs; lift buttons with braille definition; and direct access to all dry court spaces.

Given its patronage by disabled people, who are attracted by the access features, I support Mr Hall's suggestion that the minister investigate inviting the Victorian Sports Disability Advisory Committee to take up residence in the Melbourne Sports and Aquatic Centre. That would be a worthwhile investigation for both the minister and the trust.

During the last session of the previous Parliament the house debated the Royal Park Land Bill, which enabled the construction of the State Netball and Hockey Centre in Royal Park. Although I was on the list of speakers for that debate, due to a pressing matter I slipped off — which means there is no way I will pay tribute to the former Government Whip! I take this opportunity to mention some of the things I did not get a chance to mention on that occasion.

What a magnificent facility the State Netball and Hockey Centre will be! The total cost of constructing the Melbourne Sports and Aquatic Centre was of the order of $65 million. The new centre, which will cost $27 million, is being funded from the Community Support Fund, thereby incurring no increased debt and no increased cost to the Victorian taxpayer. The centre is due to be completed early next year, provided it does not run into some of the industrial problems that have beset the new multipurpose facility being constructed at the tennis centre.

Similar problems have beset the Colonial Stadium and will perhaps delay the playing of matches there when the football season starts.

The State Netball and Hockey Centre will include two hockey pitches and a grandstand for 1000 spectators. No doubt those facilities will be very much in demand during the 2006 Commonwealth Games, especially if our hockey men and women are still at the forefront of international hockey. The netball centre will have five indoor courts, including a 3000 seat show court. That will also have a huge demand for seats because our netball players are the current world champions. They have won three world championships in a row: 1991, 1995 and 1999. There will also be four outdoor courts and the existing dilapidated netball centre will be removed and the area returned to parkland. So there is a win–win situation at Royal Park, with brand-new sporting facilities, the return of some parkland and the removal of the existing poorly maintained courts.

It is estimated that about 270 000 people will use the centre each year, and 20 per cent of those are expected to be children under 15 years of age. That is another example of the way in which Victorian sport caters for people of all ages and abilities. It is pleasing to think 20 per cent of users will be under 15 years of age. Children will be provided with a tremendous sporting pursuit. They will be introduced at a young age to healthy activities and, it is hoped, to a lifetime of sport and participation.

I wish the new, or expanded, trust — now the State Sport Centres Trust — all the very best as it goes about its duties in managing both the State Netball and Hockey Centre and the Melbourne Sports and Aquatic Centre, and in its endeavours as it will also be called upon to be involved in the planning for other sports, recreation and entertainment facilities and services in the lead-up to the 2006 Commonwealth Games.

As was pointed out, the bill was in the pipeline under the former government. I am careful not to say too much for fear of stealing some of the Honourable Ron Best's contribution, which I know he is very keen to make. The government should be commended on the way it has followed through with the bill — apart from perhaps the lack of consultation with some of the sporting and community groups.

As we move forward to 2006 the opportunity will be available for the government to consult with a range of sporting and recreational groups and the communities in which they are situated so that the facilities that need to be developed and upgraded, or introduced, particularly for the Commonwealth Games in 2006, have a smooth passage and that everyone feels they are part of what will be a tremendous community event in 2006.

Some people tend to downplay or even denigrate the Commonwealth Games, saying they are not like the Olympic Games because only 35 or so countries are involved. But there is an opportunity for the Commonwealth Games to be more than just a sporting event for the competing nations and the elite sports people of those countries who will come to Victoria to take part. There is an opportunity for the Commonwealth Games to be a celebration of sport — a festival of sport — not just for Melbourne and Victoria but the whole of Australia. It could also be an event that provides Victorians in particular with opportunities to participate in a range of sports around Victoria while the Commonwealth Games are taking place. We could be showcasing a range of sports played here and Victoria could be the leading sporting state in Australia — and indeed the world — at the time of the 2006 games. So there is a challenge ahead to broaden the community involvement in sports centres during the Commonwealth Games in 2006.

I support the bill and look forward to the trust continuing its outstanding work and providing increasingly improved facilities for the use of all Victorians who have an interest in sport.

Hon. R. A. BEST (North Western) — This legislation originated under the coalition government; therefore, I support it.

Hon. P. A. KATSAMBANIS (Monash) — It is very hard to follow a contribution like that; suffice it to say that it indicates bipartisan support for the introduction of the bill in the house!

Hon. G. D. Romanes interjected.

Hon. P. A. KATSAMBANIS — Indeed, as Ms Romanes points out, Mr Best qualifies for various awards that are being handed out around the place.

With the indulgence of the house, I shall make a few points about the introduction of the bill, given that the Melbourne Sports and Aquatic Centre (MSAC) is in the heart of Albert Park, in my electorate of Monash Province. The centre is unique in the sense that not only was it established as a joint facility between the state government and the local council, the City of Port Phillip, but it also serves dual objectives: it provides an elite sporting and recreation centre for the use of elite local athletes as well as visitors from interstate and overseas, and at the same time it doubles as a very important local recreational facility.

For many years the people of South Melbourne, Port Melbourne and St Kilda were demanding of their respective old councils an enclosed swimming pool for use particularly during the winter months. It is a testament to the council amalgamation process put in place by the former Kennett government that when the City of Port Phillip was formed the three small councils, which could not really justify the establishment of individual swimming pools, came together and were able to fund somewhat more easily the establishment of the pool. But they still could not achieve that without the significant assistance of the then state government. The City of Port Phillip joined with the previous Kennett government and established the Melbourne Sports and Aquatic Centre.

During the first couple of years of its existence the centre has proved to be an outstanding success. As I said, it is used extensively by elite athletes as well as local residents. It is used for all sorts of purposes, including swimming and diving, and the wave pool is used by young children for entertainment. As other speakers have pointed out, people come not only from the local area but from around the state to experience the unique environment of the water-based entertainment available at the aquatic centre.

Apart from the water element, the centre also includes squash, badminton and basketball courts and table tennis facilities. They are all used by Victorians, not just the locals. The centre has come to be an important part of the recreational facilities that are on offer to the people of Melbourne, but it has become indispensable to the local residents of the City of Port Phillip.

The point I make today to the Bracks minority Labor government is that when it considers the Melbourne Sports and Aquatic Centre at Albert Park it should not regard it as simply an elite sporting facility but should

pay due attention to the fact that the centre was established by a combination of funding from the state government and the local council, and that it is an important local recreational facility. Also, given that other water-based recreational facilities in the area, like the St Kilda sea baths, have not been completed and there is no indication as to when they are likely to be completed, the aquatic centre fulfils an important local need.

When considering the usage of the centre it is important for the government to commit, as the Kennett government committed, to ensuring that the rights of local people to use the centre and have access to it are fully respected and given preference in considering any changes that may take place over the years. Local residents have shown significant goodwill towards the centre through their usage of it and their contribution to its development. I hope the government will respect that and enable local residents to continue to enjoy the wonderful recreational facility that was built in partnership by the Kennett government and the City of Port Phillip.

I turn to matters that have been dealt with to some extent by other speakers. The bill establishes a local consultative committee for the centre to be established at Royal Park but does not create such a committee for the Melbourne Sports and Aquatic Centre. As has been pointed out in the contributions of Mr Hall and Ms Coote, committees are already on foot to provide local input at the Albert Park centre, from the perspectives of both users and local residents. It might be useful in respect of any further amendments to the legislation for the government to consider establishing a committee with statutory authority similar to the Royal Park committee so there will be no doubt about there being local consultation and local input into the future development and use of the Albert Park site.

As was pointed out by Mr Hall, the previous government had significant plans for the expansion of the MSAC, and contributed $11 million towards the redevelopment of the adjacent site. I call on the minister to give the opposition an assurance that the incoming government will honour the commitment and look at ways of expanding parking in and around the centre. People frequenting the centre and Albert Park generally will know that in the three or four years since its redevelopment the popularity of Albert Park has expanded exponentially, particularly on weekends. Not just users of the centre but users of all of the facilities at the redeveloped Albert Park have put significant pressure on the existing car parking facilities. No matter how much people are encouraged to use public transport, many people still choose to drive — often long distances — to use the facilities. If no car parking were available on the site there would be a significant spill over to the adjoining residential areas in Middle Park and Albert Park.

Hon. G. D. Romanes interjected.

Hon. P. A. KATSAMBANIS — It is easy to make glib comments such as the interjection by Ms Romanes that people should use public transport. Australians are given a choice on that matter. Clearly people who use Albert Park, especially those who go there on Saturdays and Sundays with their picnic baskets and barbecue lunch facilities, find it more convenient to pack them in a car than lug them on public transport. Parking is a real problem in the area. The redevelopment of the centre announced by the previous minister was to take the parking problem into account, because the last thing the previous government wanted was park users parking their cars in adjoining residential streets.

I call on this minister to address the significant parking problem at Albert Park. The people of Victoria have given a big vote of confidence to the park by visiting it and using the adventure playground, skating facilities, picnic facilities, lake and the MSAC, but it has led to the parking problem. I call on the minister to give an assurance that the government will take the matter into consideration and act to provide enhanced car parking facilities, both for the convenience of users of the park and to protect local residents from the inconvenience caused by park users parking in local streets.

I turn to deal with a couple of other issues. The bill gives the trust power to manage the State Netball and Hockey Centre as well as other sports, recreation and entertainment facilities and services. That is in stark contrast to the existing act, the sole purpose of which is to give the Melbourne Sports and Aquatic Centre Trust power to manage the centre. I would have thought that if the government wanted to give the trust power over another centre it would simply state that it would give the trust power to manage the State Netball and Hockey Centre. However, the way the government has worded the bill, it expands the power of the trust beyond the existing centre at Albert Park and the new centre at Royal Park and gives the government a power to hand over to it in due course other sports, recreation and entertainment facilities. I would like the minister to expand on that and explain to the house and to the people of Victoria what other sports recreational and entertainment facilities he foresees might fall into the purview of the trust in years to come.

I specifically raise the issue of Albert Park, because it is currently under the able management of Parks Victoria.

I put on record that during the past five or six years, particularly since the Kennett government undertook to redevelop it, Albert Park has been managed wonderfully by Parks Victoria. It has become one of the most frequently visited facilities in the state. Victorians have voted with their feet. They want to use the newly redeveloped Albert Park, and do so in their droves every day, but particularly on weekends.

The government has carefully skirted around the issue of whether or not it will keep Parks Victoria. There is a real fear in the community that the government will split it into smaller groups. I seek the minister's guarantee that in any future splitting up of Parks Victoria the management of Albert Park will not be handed over to the Melbourne Sports and Aquatic Centre Trust, or the State Sport Centres Trust, as it will be known following the passage of the bill. As has been pointed out by other honourable members, the trust does a wonderful job administering the MSAC, and I am sure it will do a fantastic job administering the State Netball and Hockey Centre, but Albert Park is not just an athletic and sports facility. It is a local park of state significance and rightly falls under the control of Parks Victoria.

I seek the minister's assurance today that the government has no secret agenda to in future take the control of Albert Park away from Parks Victoria and hand it over to the trust. I also seek an indication from the minister of what other sorts of sporting and recreational facilities he would like to see fall under the control of the trust.

I am sure if they are similar recreational facilities to the ones currently managed at Albert Park they will do an equally good job, but I seek the minister's assurance that at no time in the future will Albert Park fall under the control of the Melbourne Sports and Aquatic Centre Trust.

I raise the issue of the purposes for which the trust can use its centres. There has been significant debate in the community and in the media about whether the bill gives the power to the Melbourne Sports and Aquatic Centre Trust to operate gaming from any of its facilities. I note specific reference is made to gaming in the definitions provision of the bill. Clause 6 inserts into proposed section 3 the definition of the Melbourne Sports and Aquatic Centre:

> … the facility or facilities for the purposes of sporting, gaming, recreational, social, entertainment and related purposes.

Conversely, in the definition of the State Netball and Hockey Centre the word 'gaming' does not appear. The bill permits gaming to take place at the Melbourne Sports and Aquatic Centre. I will make two points about that. Firstly, over the past few days honourable members and the minister have spoken about the incidence of gaming, particularly among young people, and have said that gaming and normal sporting recreation are not a very good fit. Honourable members want to encourage young people to take up sporting and recreational activities. We do not necessarily want to encourage young people to take up gaming. In a centre dedicated to active recreational interests, such as swimming, basketball, netball, badminton and the like, gaming is not a good fit.

As a local member, my constituents would be concerned if they saw that the Melbourne Sports and Aquatic Centre was converted in part — I will not say whole because I am sure it will not be converted in whole — to a gaming facility. I am sure local residents would not be pleased if the centre was converted in that way. I trust the minister will take that on board in future developments at the sports and aquatic centre.

Secondly, on Monday, 13 December on 3LO the Premier, Mr Bracks, was asked specifically about legislation before Parliament which will allow, or has the capacity to allow, gaming machines at the aquatic centre. He was asked if that was an oversight. The transcript of the Premier's interview at 3LO states:

> Well, I don't think that article is correct. It's something I saw as well and I haven't seen that legislation at all myself.

That is what the Premier said. That gives rise to all manner of possibilities. The bill is before the house and I imagine it has been brought to the attention of cabinet, which I trust the Premier chairs under the Labor government. Has the Premier seen the legislation? He says he has not seen the legislation at all.

Hon. P. R. Hall — When was this?

Hon. P. A. KATSAMBANIS — Last Monday. The Premier said he has not seen the legislation at all. It must have gone before cabinet. What is the Premier trying to hide? He was asked a straight question — whether he had seen the legislation. And he said no, he had not. I hope the minister can shed some light here. Did the bill go before cabinet? Should the Premier be aware of it? After all he is the Premier, and I am sure the issue was raised with him at the cabinet table. The bill clearly provides for gaming at the Melbourne Sports and Aquatic Centre. It is not good enough for the Premier to say he has not seen the legislation when he should have.

Hon. G. D. Romanes — It is your draft bill.

Hon. P. A. KATSAMBANIS — He is the Premier of the state. The legislation certainly went before cabinet, and if this is any indication of the attention the Premier pays to cabinet proceedings I worry about any future developments in the state. I put that on the record to indicate that this L-plate minority Labor government seems to be running around at sixes and sevens. I note the Minister for Sport and Recreation is not in the house at the moment, but I seek his commitment that the provision for gaming in the bill will not be used to introduce gaming machines and gaming facilities at the Melbourne Sports and Aquatic Centre.

In closing, I join with my colleagues on both sides of the house who have spoken in glowing terms about the existing centre in Albert Park and the proposed centre at Royal Park. I join them in congratulating the management of the sports and aquatic centre, led by Simon Weatherill, as well as the board members of the trust for the wonderful job they have done in managing the facility. I am sure they will continue to do so in the future for the benefit of all Victorians. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. J. M. MADDEN (Minister for Sport and Recreation) — By leave, I move:

That this bill be now read a third time.

I shall address a number of issues raised by honourable members during the debate. Firstly, I thank opposition members for their support of the bill: the Honourables Peter Hall, Cameron Boardman, Ian Cover, and Peter Katsambanis. I concede and recognise the role of the former government in administering the development of the facility. A number of members from the previous government's sports committee have spoken in support of the bill today.

I refer to stage 1 of the proposed three-stage development of the Melbourne Sports and Aquatic Centre (MSAC). I am pleased to reassure the house that $11 million has been allocated for this in forward budget estimates which will enable that stage of the project to proceed. The money allows for the purchase of land on which the Distance Education Centre is currently located and the refurbishment of the building to establish a sports house. Sport and Recreation Victoria, in conjunction with the Office of Major Projects, is currently undertaking a master plan for the site and will be reporting at a later date.

The plan for stages 2 and 3 of the project relates to the confirmation of MSAC as the venue for the 2006 Commonwealth Games. That confirmation is dependent on processes currently in train and I will not pre-empt the process by making comments. However, I am encouraging the notion that stages 2 and 3 processes may take place.

In response to matters raised about consultation during the second-reading debate, I can confirm that the government is committed to ensuring that the views of affected Victorians are incorporated into the management of the facility. We have established the operational advisory committee to ensure that the views of affected parties are adequately represented. I will meet with the Royal Park Protection Group prior to the proclamation of the bill and I will be seeking to consult with them on appointments to the operational advisory committee. I will be happy to accommodate them should they wish representation on the committee.

I will consider options to ensure that the Victorian Disabled Sports Advisory Committee's future accommodation needs are adequately met. I will ask my department to initiate discussions to achieve that outcome.

During the recent election the Bracks Labor government made a commitment to establish a state lawn bowls centre in Melbourne's eastern suburbs. Sport and Recreation Victoria staff are currently investigating options for the venue. The investigation includes the current circumstances of the Box Hill Bowling Club. It is expected that an existing bowls club will make this facility its home. It is also possible that the Royal Victorian Bowls Association may choose to make use of that facility.

As to the additional facilities to be managed, at this stage there are no plans to have the new lawn bowls venue administered under the bill. However, the bill gives the government the flexibility to administer other sporting facilities. If that is required, I will advise the Honourable Peter Hall.

The establishment of a statutory advisory committee to manage the Albert Park facilities was also referred to. As members of the opposition have noted, the current arrangements for that facility appear to be operating well. If that does not continue, the government will be quick to take action. I trust that my comments have allayed some of the concerns raised by honourable members during the debate.

Hon. B. C. Boardman — What about the name?

Hon. J. M. MADDEN — Mr Boardman will appreciate that I have had some trouble getting my overbite around MSACT, which is the abbreviation for the Melbourne Sports and Aquatic Centre Trust. I will encourage the use of that name specifically for that venue.

As well as thanking members of the opposition, I thank my colleagues the Honourables Kaye Darveniza and Glenyys Romanes for their contributions — and I particularly thank the Honourable Glenyys Romanes for directing attention to the issues affecting her constituency. I acknowledge the issues raised by Mr Katsambanis concerning Parks Victoria. I commend the management of the trust for their ongoing good work.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The DEPUTY PRESIDENT — Order! I have received a letter from the Minister for Health requesting that arrangements be made for a joint sitting for the purpose of appointing two members to serve on the Victorian Health Promotion Foundation for a three-year term following the expiry of the term of the Honourable R. A. Best, MLC, on 19 October 1999, and the retirement of Mrs J. T. C. Wilson, MP.

I have received the following message from the Assembly:

> The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolution:
>
> That this house meets the Legislative Council for the purpose of sitting and voting together to elect two members of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such a meeting be the Legislative Assembly chamber on Wednesday, 15 December 1999, at 6.15 p.m., with which they desire the concurrence of the Legislative Council.

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

> That this house meet the Legislative Assembly for the purpose of sitting and voting together to elect two members of Parliament to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday, 15 December 1999, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Assembly acquainting them with resolution.

PUBLIC PROSECUTIONS (AMENDMENT) BILL

Second reading

Debate resumed from 14 December; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — The opposition supports the Public Prosecutions (Amendment) Bill, with some reservations. During my contribution I will direct the attention of the government to some areas of concern. At the outset, I note the serious failure of the government at this early stage of its term to deliver on its promises. The government was elected to govern Victorians following the issuing of policy statements that rocked the state. The government conned Victorian voters into believing the Labor Party leopard had changed its spots, but as time goes by Victorians are quickly waking up to reality.

I refer to the promises Labor made about a number of pieces of legislation that have already been passed — in particular the Audit (Amendment) Bill, the Local Government (Best Value Principles) Bill, the Regional Infrastructure Development Fund Bill and the Public Prosecutions (Amendment) Bill. My comments also apply to the Freedom of Information (Miscellaneous Amendments) Bill, which the house will debate shortly.

Each of the acts those bills amended were dramatically and vigorously opposed by the now Bracks minority government. The government has had a chance to make real changes and to build on the reforms introduced by the former Kennett government, but instead it has introduced non-events, one after the other. Each of the amending bills has been is ill conceived, ill prepared and poorly presented. Most of all, they do not satisfy the promises or expectations on which the government was elected. The so-called dramatic returns that the government has promised are delusory, because each of the measures to which I have referred includes a smoke-and-mirrors trick. The government has conned Victorians: although it has made amendments, they will not have the effects that Victorians expect and the government was elected to bring about.

There is no doubt in my mind that Victorian voters are not silly. The government will be found out, because with the passage of time each of the instances of deception it has perpetrated will be discovered — and then the Victorian voters will have a chance to express their views. In the debates on each of those bills government members have spoken about duties, entrenching rights in the Constitution Act and rebuilding legislation that they assert was destroyed by the previous Kennett government. It is all rhetoric.

There is no substance to the changes being introduced and I hope to show, as was pointed out in debates in this place on the Audit (Amendment) Bill, the Local Government (Best Value Principles) Bill and the Regional Infrastructure Development Fund Bill — the subject of considerable debate — and as will be pointed out in the debate on this bill today and tomorrow in the debate on the Freedom of Information (Miscellaneous Amendments) Bill, it is an illusion, it is smokes and mirrors and is of no effect.

The office of Director of Public Prosecutions (DPP) has a relatively short history. Before 1982, when the Director of Public Prosecutions Act was introduced, prosecutions for indictable offences were conducted by the Crown Solicitors Office. I remember from when I was in practice that at that time the direct control and supervision of all prosecutions in the state of every type of offence was under the direction of the Attorney-General as the state's most senior legal officer and chief prosecutor. Until the role of the Director of Public Prosecutions (DPP) was introduced in 1982 the Attorney-General was in the unique position of being seen as independent of party politics.

The Attorney-General was entrusted with the authority of turning the wheels of justice and it was understood he would perform his functions without fear or favour. Unfortunately the same respect for and reputation of the position does not exist today — and certainly not with the current Attorney-General. It is to the credit of past attorneys-general that for 120 years they were held in such high regard. When the Cain government won office in 1982 one of the early changes to the justice system was the creation of what was perceived to be the independent office of the Director of Public Prosecutions to handle and conduct all prosecutions for the state of Victoria. The position was introduced substantially as a means of recognising the fact that there was a separation of power between the Attorney-General, who is the senior law officer, and transferring decisions to prosecute and the conduct of prosecutions to the independent office of the Director of Public Prosecutions.

It is arguable whether the division that exists between the Director of Public Prosecutions and the Attorney-General is a separation of powers, but that is a debate for later. The Director of Public Prosecutions Act was brief but effective. It contained 18 short sections. Then, as now, the Director of Public Prosecutions was appointed by Governor in Council for life — that is, until he or she reached 65 years of age. Section 9(2) was mirrored in section 10 of the Public Prosecutions Act of 1994, which provides that the Director of Public Prosecutions is responsible to the Attorney-General.

Between 1982 and 1994 contempt provisions were largely brought under common law and could be instituted by the Director of Public Prosecutions, the Attorney-General, a party to proceedings or a third party with legal standing. Contempt proceedings could also be instituted at common law by a broad range of people. I raise the issue now because it is a fundamental element of the bill, if not the fundamental element. The Public Prosecutions Act represented a rewriting of the earlier legislation. It broadened the power of the office of the Director of Public Prosecutions and substantially expanded the prosecutorial envelope in the state. The act was not rushed in, as has been suggested by some members of the now government, but was introduced following extensive consultation over a long period. It dramatically changed the performance and conduct of the office of the Director of Public Prosecutions.

The 1994 legislation, over which there was great public and parliamentary debate, some of it vitriolic, offensive and acrimonious, reaffirmed the position of the Director of Public Prosecutions and added considerable firepower to the office. It introduced a number of support elements, such as the Office of Public Prosecutions, the positions of Chief Crown Prosecutor and Crown prosecutors, the position of Solicitor for Public Prosecutions, a directors committee that advised the DPP directly on special decisions, and the Committee for Public Prosecutions.

The 1994 act set up an entirely new arm for the delivery of justice and it is inappropriate to suggest it in anyway restricted the powers of the DPP. Some government members have claimed on the record that the functions of the DPP were changed because the government wanted to obtain political control of the institution of contempt proceedings. I defy government members to provide one example of that. I notice Ms Hadden is nodding her head, but I defy her now or later to present one case, instance or solid brief to support the allegation, because given her legal background she should appreciate the value of evidence. I look forward

to the honourable member's contribution. The allegation is scurrilous scuttlebutt and nonsense.

The provisions of the act strengthened the role of the DPP and spread the decision-making process he had across to the director's committee and other support elements. The role of the Solicitor-General is also established in the act. That is not referred to in the second-reading speech, and I am sure Ms Hadden is not aware of it. I emphasise that the focus of the supposed diminution of the power of the Director of Public Prosecutions was on him not entering a nolle prosequi — that is, a decision not to pursue contempt proceedings.

That is perceived as a scenario where favours can be granted. That is why I say that irrespective of the abuse, scaremongering and scuttlebutt both going back to 1994 and continuing, the example of the penalty produced confirms my argument that the perception and nonsense of the government is unfounded.

So much so, that in commenting on changes to the Public Prosecutions Act very few honourable members at that time referred to what is a unique situation. Section 46(1) states:

> … the Attorney-General may apply to a court for punishment of a person for contempt …

Section 46(2) obliges the Attorney-General to do so only after acting on, and in accordance with, the advice of the Solicitor-General with respect to that matter.

Before anything can happen the Attorney-General must consult with the Solicitor-General, the second most senior legal person in the state. Section 46(4) states:

> If, contrary to the advice of the Solicitor-General, the Attorney-General decides not to make an application referred to in sub-section (1), the Attorney-General must cause a full statement of the reason or reasons for the decision —

that is, for not proceeding — the nolle prosequi —

> to be laid before each House of Parliament…

To suggest that the Director of Public Prosecutions is hamstrung in any way, shape or form is unfounded and misleading.

The second-reading speech substantially reflects the 1994 debate. For the almost four years that I have been a member of Parliament I have not noticed in a second-reading speech a further debate or restatement of a past debate as in this case. If one examines the second-reading speech one finds that more than half is a regurgitation of the arguments that took place with the enactment of the 1994 act. That is a strange situation and the time and effort put into the second-reading speech would have been better spent in guiding those readers of *Hansard* seeking some insight into a couple of the bill's difficult areas to the government's real intention.

Sections 4 to 8 and 46 of the Public Prosecutions Act will be repealed. The legislation is relatively short and I will deal with the less significant effects of the bill before addressing what I consider to be its main thrust. Although sections 4, 5, 6, 7 and 8 of the Public Prosecutions Act are repealed, those sections relate to the appointment of the DPP, the terms and conditions of his appointment, provisions pertaining to his resignation, some detailed provisions regarding his suspension and removal and, significantly, provisions regarding the pension payable to him and his family. Each of those provisions are repealed by clause 5 of the bill but are reinstated by the provisions of clauses 10 and 11 as a new part IIIA of the Constitution Act.

The provisions in the current legislation are transported verbatim to the Constitution Act and are part of the smoke-and-mirrors trick I mentioned before. The changes and their entrenchment in the legislation encompass the movement of existing legislation vehemently opposed in 1994 by the mob on the other side. That legislation is now being re-enacted in another form.

The provision regarding the Office of the Director of Public Prosecutions is retained. Clause 9 introduces some transitional provisions to ensure that the DPP, Mr Geoff Flatman, QC, and his family retain the accumulated rights and benefits they so richly deserve.

I extend my thanks to Geoff Flatman and congratulate him on the excellent work he has been performing as Director of Public Prosecutions in maintaining the high standards set by his predecessors since 1982. I wish him well in the future.

The transitional provisions under clause 9 ensure there will be no financial or other loss to the DPP — he will retain his current identity and office in the intervening period between the passing of the bill and the coming into force of the act will keep alive any contempt proceedings that are currently on foot.

The principle purposes of the bill are the repeal of section 46 of the Public Prosecutions Act and the reinstatement of the common-law principles of contempt insofar as they apply. Clause 7 repeals section 46 and clause 12 inserts a new division 8 in part 5 of the Supreme Court Act. Proposed section 61 of that act

is an attempt — and I use the word 'attempt' advisedly — to restore common-law principles in respect of contempt of court and opens the field up to all who have legal standing to bring those proceedings. It does so by providing that the common-law rights that existed before 1994 will be restored:

> … as if section 46 of the Public Prosecutions Act had not been enacted …

That raises two fairly serious concerns to which I am sensitive as a result of having practised law for almost 30 years. The first is, given that the provision is an amendment to the provisions of the Supreme Court Act and there must be some effect on the jurisdiction of the Supreme Court, whether one likes it or not, it is logical to ask whether there is a need for the making of a section 85 statement.

Section 85 of the Constitution Act provides that if it is intended to modify the jurisdiction of the Supreme Court a statement is required declaring that is the intention of the bill. Because clause 12 inserts a new provision that will restore to the Supreme Court the common-law jurisdiction in respect of contempt of court that was partially removed by section 46 my immediate reaction is that a section 85 statement is necessary. I respectfully suggest that view is reinforced by the fact that section 49 of the Public Prosecutions Act, the 1994 act, contains a section 85 statement relative to the section 46 restrictions. I argue that if a section 85 statement was required when certain rights were removed then the same situation applies in the reverse case — a section 85 statement is needed. At first blush that might sound pedantic, and it may be that because the government's policy is to avoid section 85 statements at all costs — —

Hon. Jenny Mikakos — They were your bills.

Hon. C. A. FURLETTI — The interjection shows a lack of experience and an inability to understand what this is about on the part of the honourable member. Is the logic that it was the former government's bill that included the statement and because this is the current government's bill it should be left out?

The significance of leaving out section 85 statements is that if the change requires such a statement the legislation will be invalid and of no effect. I am sure Ms Mikakos would appreciate the facts surrounding that. Whether or not a party had a policy that it did not like changing the jurisdiction of the Supreme Court, one would assume it would be sensible enough to understand that when it introduced legislation that changed the court's jurisdiction, a section 85 statement would be necessary. I am concerned that in this case there should be a section 85 statement. It is the government's responsibility to ensure that the legislation is right. Although there might be an argument that the restoration of powers could be interpreted as conferring an additional jurisdiction under section 85(4) of the Constitution Act, it is a classic case where the government should be sure rather than sorry in deciding whether a statement is necessary.

Under section 85(5)(c)(iii) of the Constitution Act a statement can be made with the leave of this house at any time before the third reading of the bill. I urge the Attorney-General to take some advice on the issue and seek to get the legislation right before it is passed with the prospect of its being potentially invalid.

A further concern I want to put on record is that proposed section 61(2) inserted by clause 12 in regard to contempt proceedings could be retrospective because it provides that the section has effect whether the alleged offence occurred before or after the commencement of section 12 of the Public Prosecutions (Amendment) Act.

If contempt proceedings could not be brought because of section 46 of that act as provided in proposed section 61(1), with contempt proceedings brought under common law as if section 46 had never been enacted, it is possible that the section could result in retrospective application.

If that is the case, the issue should have been addressed in the second-reading speech and Victorians should be aware that the legislation is retrospective. Rather than denigrating two outstanding members from the previous government, the Attorney-General in the second-reading speech should address the issues raised in this debate and clarify the ambiguous clauses.

I draw the attention of honourable members to the fact that the so-called overhaul of the Public Prosecutions Act is nothing more than smoke and mirrors. There are two effective amendments of substance; the rest is a ringing endorsement of the legislation introduced by the previous government in 1994. The changes were vaunted by the Australian Labor Party and the Independents but are cosmetic and inconsequential. An effective and efficient piece of legislation remains after all the public and parliamentary debate.

It is gratifying that, apart from the issue of the Attorney-General's right to bring contempt proceedings — a philosophical perception which could be argued either way — the reform of the previous government to the conduct of prosecutions in the state remains intact. I wish the bill a speedy passage.

Hon. KAYE DARVENIZA (Melbourne West) — I thank the Honourable Carlo Furletti for his contribution and for his comments about the opposition's support of the bill.

The bill confirms the preparedness of the Bracks Labor government to deliver on its election promises. It also shows the government is prepared to enshrine in the constitution the office of the Director of Public Prosecutions (DPP). The bill presents an important component of the Bracks Labor government strategy to promote transparent, accountable government. The government will not allow this important office to be tampered with as it has been in the past and will put the power to initiate contempt proceedings back into the hands of the DPP.

The position of Director of Public Prosecutions was created by the Director of Public Prosecutions Act in 1982. Before that, prosecutions for indictable offences were the responsibility of the criminal law branch of the Crown Solicitor's Office. The Attorney-General, the Solicitor-General or the Prosecutor for the Queen signed the presentment.

The Director of Public Prosecutions Act 1982 was introduced by John Cain, the Attorney-General at the time. It was designed to remove any suggestion that either prosecutions or the failure to launch prosecutions in the state were due to political interference.

The Director of Public Prosecutions Act of 1982 achieved a number of things: it established the DPP as an independent prosecuting authority; it set the DPP's salaries and conditions at a level equivalent to that of Supreme Court judges; and it ensured that the DPP could be removed from office only by resolution of both houses of Parliament.

Mr Furletti asked why the bill was needed. Victoria needs the bill because, as many honourable members will recall, in 1994 the coalition government removed the DPP's contempt powers, repealing the Director of Public Prosecutions Act and replacing it with the Public Prosecutions Act. Section 46 of that act states that, with limited exception, only the Attorney-General can initiate contempt of court proceedings.

Those changes were initiated by the former government and the then Attorney-General not because they believed it was inappropriate for those powers to be exercised by the DPP but because they wanted to exercise political control to protect the then Premier, Jeff Kennett. In 1994 the then DPP was considering initiating contempt of court proceedings against Mr Kennett for comments he made following the arrest of an alleged serial killer.

It was against that political backdrop that the former government decided to introduce legislation that, among other things, removed from the Director of Public Prosecutions the responsibility for bringing contempt proceedings. Honourable members will recall that the Public Prosecutions Bill was the subject of extensive and vigorous parliamentary debate. Not only was the right of the DPP to bring contempt proceedings removed, but changes were made to section 46 that reduced the common-law rights of every citizen to bring contempt proceedings. That situation was highlighted in 1995 when a group of Papua–New Guinean villagers tried to bring contempt proceedings against BHP in the Supreme Court. The court found that BHP had committed a contempt, but when the case was appealed the Court of Appeal found that section 46 had removed the villagers' right to bring the proceedings.

The bill repeals section 46 and restores to Victorians the rights and powers that were lost in 1994 when the Public Prosecutions Act was enacted. The bill will strengthen the independence of the Director of Public Prosecutions by transferring the provisions that deal with the appointment of the DPP and the terms and arrangements of that appointment from the Public Prosecutions Act to the Constitution Act. Entrenching the role, powers and functions of the Director of Public Prosecutions in the Constitution Act provides an effective legislative safeguard because that act can be amended only by a bill passed by an absolute majority of members in both houses of Parliament. Therefore, the government of the day cannot simply amend the functions or powers of the DPP.

I welcome the bill for a number of reasons. Firstly, it is good, sound legislation that will prevent a recurrence of the underhand activities that went on in 1994; secondly, it adds to the independence of the Director of Public Prosecutions; thirdly, it restores the independence and power of the office of the DPP; fourthly, it provides a legislative safeguard by entrenching the role, powers and functions of the DPP in the Constitution Act; fifthly, it makes it clear that prosecutors are entirely independent of government or any part of the political process and can therefore not be subject to political influence; sixthly, it honours a commitment Labor gave during the last election campaign to work for a more just Victoria; and finally, it is an important component of the Bracks government's strategy to promote open, transparent and accountable government for all Victorians. I commend the bill to the house.

Hon. D. G. HADDEN (Ballarat) — I support the Public Prosecutions (Amendment) Bill. The Public Prosecutions Act, which was introduced in 1994, replaced the Director of Public Prosecutions Act of 1982. The then Attorney-General, John Cain, Jr, said the main aim of the 1982 legislation was to depoliticise the Office of the Director of Public Prosecutions.

The office of Director of Public Prosecutions is vital to the state. It requires the exercise of high integrity, respect and fairness and provides access to justice in Victoria's criminal courts. The Office of Public Prosecutions was created to enable the DPP to prosecute indictable offences on behalf of the Crown, or the state. Prior to 1982, the Crown Solicitor prosecuted indictable offences. The DPP's role is to see that crimes are properly investigated and to ensure that offenders are prosecuted in the state's courts, an important part of which involves their being given a fair and just trial without fear or favour. They are the basic tenets of Victoria's system of justice.

Much of the debate that occurred in the media and in Parliament prior to the enactment of the Public Prosecutions Bill was unfortunate. As honourable members know, at the time the then Director of Public Prosecutions, Mr Bernard Bongiorno, QC, was considering instituting contempt proceedings against the then Premier, Mr Jeff Kennett, for comments he had made to the media following the arrest of an alleged serial killer.

A number of incidents then occurred and the Director of Public Prosecutions prosecuted nine officers in what is commonly known as the Gary Abdullah case, and that decision was appealed and the charges dismissed.

The role of the office of the Director of Public Prosecutions was brought very much into the public arena. The then Attorney-General, Mrs Jan Wade, was vociferous in her writings to various newspapers. An article headed 'Don't cry for the DPP' appeared in the *Herald Sun* in December 1993. In it she clearly criticised the Director of Public Prosecutions and his role; questioned his integrity; attacked and maligned his judgment; and criticised so-called budget overruns at his office. It certainly was a dark period in our legal history. The Director of Public Prosecutions was being openly maligned — in public, in the media and in the houses of Parliament — by not only the Premier at the time but also the Attorney-General.

As a lawyer practising during that period, I thought it was scurrilous behaviour by the government against the office and role of the Director of Public Prosecutions. Many jurists in 1993–94 opposed what was then the Public Prosecutions Bill. One of them in particular was Mr Justice David Harper of the Victorian Supreme Court. In a letter to the editor published in the *Age* of 16 December 1993, he wrote as the president of the Victorian Division of the International Commission of Jurists:

> The liberties of a democratic society disappear if the administration of justice is not independent of the executive government. Decisions to prosecute or not to prosecute are an important aspect of the administration of justice. They must be made by a person whose independence is beyond doubt.
>
> If enacted, the Public Prosecutions Bill would emasculate the Office of the Director of Public Prosecutions.

He goes on to say:

> The director's capacity for independent action would be further diminished by the appointment of a deputy director with powers of veto in important areas …
>
> The prosecutorial system must be removed from partisan political interference. The Public Prosecutions Bill does the opposite. Its enactment should be opposed by all who support democracy.

That sums up the views of many in the community who were opposed to the Public Prosecutions Bill, as it then was. The entire role of the office of the Director of Public Prosecutions was altered dramatically by the enactment of the Public Prosecutions Act 1994, and especially with the enactment of section 46. Prior to the enactment of that section an application for contempt proceedings could be made to a court by the Attorney-General or the Director of Public Prosecutions, a court acting on its own motion, or any other person with sufficient standing. Section 46 clearly restricted the powers in that situation. Section 46 states, in part:

> (1) Despite any provision to the contrary made by or under any other Act or at common law, only the Attorney-General may apply to a court for punishment of a person for a contempt of court that involves an interference with the due administration of justice, either in relation to a pending proceeding or more generally.
>
> (2) The power of the Attorney-General under sub-section (1) with respect to a matter is only exercisable by him or her acting on, and in accordance with, the advice of the Solicitor-General with respect to that matter.

Section 46 was called into question in a 1996 decision of the Court of Appeal in the case of *BHP v. Dagi*, where the majority of the Court of Appeal held that section 46(1) is not limited to the public prosecution of contempt, is not limited to contempts committed in relation to criminal proceedings, and extends to both criminal and civil contempts according to the traditional classification. Clause 7 of the bill repeals section 46 of the Public Prosecutions Act 1994.

Clause 5 deals with various matters of appointment — terms and conditions of appointment, resignation and so on — of the Director of Public Prosecutions. Clause 11 then inserts the substance of the repealed sections into proposed part IIIA of the Constitution Act.

Clause 6 amends the functions of the Director of Public Prosecutions as a consequence of the repeal of section 46 of the act.

Clause 10 amends and enshrines the independence of the Director of Public Prosecutions in the Victorian constitution. It amends section 18(2)(b) of the Constitution Act, which has the effect of entrenching certain provisions in the Constitution Act so that those entrenched provisions may be repealed, altered or varied only by an absolute majority of both houses of Parliament. The effect of clause 10 is to entrench those provisions that are inserted into the Constitution Act by clause 11.

Clause 11 inserts proposed part IIIA into the Constitution Act, and the substance of sections 4, 5, 6, 7 and 8 of the Public Prosecutions Act, as I said earlier, is repealed by clause 5. Clause 12 inserts proposed section 61 into the Supreme Court Act to expressly revive the common-law right of any person to apply to a court for punishment of a person for contempt of court.

In relation to Mr Furletti's concerns about whether a section 85 statement is required in regard to this bill, I suggest that by repealing section 46 of the Public Prosecutions Act 1994 the jurisdiction of the Supreme Court is not in any way being limited by Parliament, and therefore the bill does not require a section 85 statement.

The Bracks Labor government is delivering on its pre-election commitment to Victoria to enshrine in the Victorian constitution the independence of the Director of Public Prosecutions and to depoliticise the position, role and office of the DPP, as well as reviving the common-law right to bring contempt proceedings. I commend the bill to the house.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! I am of the opinion that the second reading of the bill requires to be passed by an absolute majority. As there is not an absolute majority present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! In order to ascertain whether the required majority has been obtained, I ask those members in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read second time; by leave, proceeded to third reading.

Third reading

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! I again ask those members in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

BUSINESS OF THE HOUSE

Sessional orders

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That so much of the sessional orders be suspended as would prevent new business being taken after 8.00 p.m. during the sitting of the Council this day.

Motion agreed to.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed from 14 December; motion of Hon. C. C. BROAD (Minister for Energy and Resources) for adoption of address-in-reply.

Hon. BILL FORWOOD (Templestowe) — It is my pleasure to make a contribution to the debate on the address-in-reply to the Governor's speech. I start by acknowledging the outstanding work of the Governor, Sir James Gobbo, and his wife, Lady Gobbo, who have made a significant contribution to the wellbeing of Victoria since Sir James was appointed Governor.

In the past year or so my electorate has been fortunate to have had visits by both Sir James and Lady Gobbo. Sir James attended a function at the Veneto Club, and if my memory serves me correctly, I think he comes from the Veneto region of Italy and was an early member of the Veneto Club. It was terrific to see him there. Not all that long ago Lady Gobbo attended the Linlithgow aged care facility in my electorate. I want to put on record my appreciation, as well as the appreciation of my colleague Carlo Furletti and the other people who live in Templestowe Province, of the fine work done by the Governor on behalf of all Victorians.

I am proud to have been re-elected by the voters of Templestowe Province to represent them in this place. It was a new experience for me this time. I have spent the best part of 20 years of my life fighting the Labor Party, and this time I discovered I did not have a Labor Party opponent and that my task was to beat up the Greens and the Democrats. Although some would say there is not much difference between them on many issues, I do not believe that is the case. While I think that the Greens is a very narrow party, I do have a specific interest in its views on a number of issues. It was a strange experience to be faced with an election without a Labor Party opponent.

That leads me to an aside. The Labor Party claims it got more than 50 per cent of the two-party preferred vote. That is nonsense. I am pretty sure my friend and colleague from the other side the Honourable Gavin Jennings has acknowledged somewhere else that when it comes to measuring the vote on a two-party preferred basis in the upper house, given that the Labor Party did not run in all seats — it did not run in Higinbotham Province and it did not get one vote in Templestowe Province — —

Hon. G. W. Jennings interjected.

Hon. BILL FORWOOD — Thank you.

Hon. M. A. Birrell — But what did it get on a two-party preferred basis?

Hon. BILL FORWOOD — Even less than that — still none. It got no votes in Templestowe Province and no votes in Higinbotham Province. My recollection is that there were even six lower house seats in which Labor did not run first or second. However, it claims it has the two-party preferred vote. My recollection is that in the seat of Wimmera the National Party came first and the Liberal Party came second, so on a two-party preferred vote I reckon the opposition parties can claim 100 per cent. I am prepared to have the two-party preferred vote argument with anyone, anywhere and at any time.

Hon. M. M. Gould interjected.

Hon. BILL FORWOOD — The Leader of the Government suggests I am drawing a long bow. I say that my long bow on that is about as long as hers is in her suggestion that no dispute exists between the United Firefighters Union and volunteers about unionism in the fire authorities. I make the point that I probably did not make clearly enough — —

Hon. M. M. Gould interjected.

Hon. BILL FORWOOD — I know we have dealt with that. I would not want to revisit this morning's motion, other than to suggest that I, too, have spent a little bit of time in and around industrial disputes. I really hesitate to say this but I will refer to a dispute in which I was involved with my friend Brian Daley, whom I am sorry missed out on the top job, because I have an immense amount of time for him. The thing that sticks in my mind about the dispute is that I reckon Brian and I could have fixed the problem a year or two and a lot of money earlier than the lawyers did, but that is another story.

I was making the point that although the Leader of the Government may think I am drawing a long bow on the two-party preferred vote issue, the Labor Party did not come first or second in the running for six lower house seats. A new measurement mechanism needs to be developed. I think a three-candidate mechanism or some other measure should be discussed with the Electoral Commissioner to prevent the mad notion that 50 per cent of people voted for the Labor Party gathering momentum.

I am a great believer in democracy. It is a great institution that has grown up over many years. I am of course disappointed with the result of the election, but I fully recognise that the people have spoken and there is a new regime. I congratulate its members on forming government. I look forward to the way they will work on behalf of all Victorians — as I know they will try to do.

I will work as hard as I can to hold the government to account, and I predict that the words 'open, transparent and accountable' will come back and haunt it in a way that will make — —

An opposition member interjected.

Hon. BILL FORWOOD — Open, transparent and accountable. I have always believed in open,

transparent and accountable government. My colleague Mr Lucas and my absent friend Mr Theophanous would know from my time as chair of the Public Accounts and Estimates Committee, which I may touch on later, how much I am committed to open, transparent and accountable government. I am as equally committed to it in opposition as I was in government and I look forward to doing everything I can to ensure the government, which promises to be open, transparent and accountable, is just that. I can see that this will be a long speech because I have been sidetracked and I have just started.

The house is very different from the way it was when we last met, including the fact that we are on this side and the government is on that side — and I can understand the pleasure of the honourable members opposite at being on that side. I honestly far preferred it over there to here but I am adapting to the changed circumstances and I am working to commit myself to being a diligent and productive opposition member. I am sure we will grow in stature as time goes by in our attempts to make the government open, transparent and accountable.

The house is different. By my count 14 members who were here in autumn are no longer with us. I think I am right in saying there are seven from both sides.

Mr Power has left us. He is a loss to Victoria and to the chamber. We did not agree on everything by definition obviously, but he was a contributor and to my mind a decent, straightforward human being. I found it extraordinary that the former deputy leader lost preselection in the way he did. I do not understand the internal machinations of the Labor Party. I am trying to learn, and I know the Honourable Marsha Thomson, Minister for Small Business, was the one who tapped Mr Brumby on the shoulder before the knife went in the back, so I understand a little bit of the factional stuff. It is sad that Pat has gone.

Mr Nardella and I shouted at each other, and we both have relatively loud voices. I always maintain I have more brains than Don. That might be being unkind but he is the only person I know that when you look into his eyes you can see the back of his head. I think he will be most at home in the lower house. It is sad that he has left us. He is a mate and I will miss him. I will miss not being able to talk about the trams going to Toorak to visit his houses.

Mrs McLean has left us too. I served on a former Law Reform Committee with Jean McLean. I really liked Jean. I will never forget Jean sitting in this chamber and asking questions of Robbie Knowles, and referring to Mr Boardman as Camie. She was one with the lads, Jean. We travelled together with the Law Reform Committee and I enjoyed her company, intelligence and wit. I also vividly remember the wonderful documentary Jean's daughter made on her role in the Save our Sons movement. Jean went to jail for her beliefs. She went down and got money from the wharfies, and came back from Hanoi wearing that crazy hat and black pants. One had to admire her commitment to the things she believed in and her contribution at an interesting time in Australian history.

Mrs Hogg has left us as well and she, as others have said, was a person of great humanity. Her contribution to Victoria will be long recognised, and I am sorry to see her go.

Mr Eren was not with us for long but in the time he was here he certainly made a mark. I felt sorry for Tayfun. He was a person who became a victim in unfortunate circumstances. I know he has not been well since then and I wish him well in whatever he does in the future. I hope life becomes a bit easier for him. I know he has a contribution to make and I hope he gets the opportunity to do so.

Mr Pullen has left us as well. Barry and I shared an interest in Aboriginal affairs, and I think I am right in saying we are the only two members of the house who have spent much time in the Northern Territory. That was a common interest between the two of us. He made a contribution as a minister in the previous Labor government, and I wish him well in the future.

Mr Walpole sat where Mr Lucas now sits. They have one thing in common — very loud voices.

Hon. N. B. Lucas — I am trying to grow my hair at the back.

Hon. BILL FORWOOD — You will need a ponytail. I am sorry to see Doug go. I know he enjoyed his time here and he made a contribution.

Those are the seven members who have gone from the other side. I counted them all as my friends. One of the nice things about this place is it is possible to form relationships with members on the other side, and get on and do things of benefit to the state.

Seven members have left from this side and I want to run through them all one after the other. My very close friend Ms Asher has gone to the other place. In a sense it was a race to see who could get there first. I have given up; she won. I am delighted she is now the deputy leader and I am delighted to be working with

her from this chamber. She has terrific ability and I support her in the things she does.

Mrs Varty has left us as well. After I became Parliamentary Secretary to the Premier I was fortunate that Rosemary Varty — Mr Jennings's predecessor as cabinet secretary — took me under her wing. I had an office on the second floor at 1 Treasury Place and she taught me lots. I am grateful for her advice, friendship and support, particularly over the past couple of years, but since I joined this place. Mrs Varty had an interesting advent into Parliament herself because she was on the wrong side of the draw in the tied Nunawading Province election, and then of course won the seat after the decision from the Court Of Disputed Returns. Mrs Varty made a wonderful contribution as cabinet secretary in the Kennett government for seven years. I am grateful for her help and support in my time here.

Mrs Wilding has left us. Unfortunately her seat of Chelsea Province is a marginal seat. Sue and I shared an office together in the dungeons for seven years. While we had different interests and came from different directions, we were a most compatible couple in the dungeons. I wish her all the best. I enjoyed having her around and her organisational skills on this side of the chamber were appreciated.

Mr de Fegely has left us as well. On Sunday I was fortunate to attend a thank you to Dick in Ararat. A number of members from both houses of Parliament were able to get there. Dick was a member for Ballarat Province for 14 years and a fine human being, a really fine man, and a great friend as well. I look forward to having a game or two of golf with him in the future. I greatly admire Dick de Fegely. His contribution to this place, particularly in debates on rural matters, was second to none. It is a great pity that he was not replaced as a member for Ballarat Province by a member of the opposition parties.

Dr Ron Wells has also left this place. When talking about Ron the word that springs to mind is 'idiosyncratic'. He was a very bright guy who made interesting contributions to debates on various topics in this place.

There are only two former members left to mention. I do not know in which order I should refer to them because I count them both among my close friends. I did not know the Honourable Bill Hartigan before he was elected to this place at the same time I was, but I immediately took to him. He and I share an interest in economics, and for seven years we served together on a number of parliamentary committees, particularly those associated with the Department of Treasury and Finance, and Workcover. I got to know and appreciate his dry wit, booming voice and — —

Hon. M. M. Gould — And the 'Shut up, Hartigan'!

Hon. BILL FORWOOD — We will never forget the 'Shut up, Hartigan'. Bill had a way about him. He was quick witted, and he was extraordinarily successful in the work he did prior to coming to this place. He was another on the golfing list. He and I played a bit of golf together, as we did again, recently. I miss Bill a lot for his quickness, intelligence and bright attitude to the world.

I am sure that the work Bill Hartigan has done in the state will not go unrecognised. I refer in particular to the work he did to establish the International Fibre Centre. The deal he did in buying cheaply a lot of valuable equipment in England was a master stroke. In bringing together competing interests he helped build an institute that will be of real benefit to Victoria. It will be disappointing if cheap shots are taken at what he did. His contribution should be recognised for what it was — that of a person who always put Victoria first.

He had strong views on the need to get the economy right so we can do the things we all want to do. He and I would say, and I know most members of Parliament will agree, that you cannot deliver the social benefits — that is, the things the community wants and needs — unless you get the fundamentals right. I will return to that in a moment, but there is no doubt that in its seven years in office the Kennett government got the fundamentals right, which means we can now deliver to the people of Victoria the things that are necessary.

Last on my list of those who are no longer with us is the Honourable Rob Knowles, the former Minister for Health, who spent 23 years in Parliament. I put him in the same category as Caroline Hogg. Rob's contribution was immeasurable — and not just to the parliamentary process. The Leader of the Government, who worked closely with him when she was Leader of the Opposition and he was Deputy Leader of the Government, will agree that he was able get things done by keeping members' temperatures down and ensuring the business program worked sensibly.

Rob was a man of passion, particularly as Minister for Health. His work in mental health is recognised by everyone in this place. I remember his fiery response one night in 1994 or 1995 when he was sorely provoked by someone who is no longer a member of this place. I hope the new government makes available the resources that are needed to bring to fruition the

work the previous government was doing on establishing an institute of depression and reforming of mental health, both of which were dear to his and the former Premier's hearts.

This is a different era and the former government is now the opposition. I am extraordinarily proud to have been a member of the Kennett government. Those days in 1992 when we came to government and got moving on reforming the state may be dimming with time for some, but they are still vivid in my memory. I refer not just to the fervour of the early days but also to the constant integrity of policy that was the hallmark of the work done in those seven years.

As I said, I am extraordinarily proud to have been a member of the Kennett government. If it were not so hot, I would be wearing my suit coat, which has in the lapel a badge of Victoria, which I proudly wear. I was not born in Victoria — I am a Victorian by conversion — but I am extraordinarily proud to wear that badge. Wherever I go in Australia people see it and know I am a proud Victorian. That sense of pride and confidence is a lasting legacy of the extraordinary work the former Premier and his first and second teams did over seven years in instituting reforms on behalf of all Victorians. While they may not all vote for us — and fewer did this time than the time before — we always governed with all Victorians in mind.

I put on the record that Jeff Kennett was an extraordinarily fine leader. I acknowledge that different people have different views of him. On more than one occasion I suffered the lash of his tongue — but I would have followed him anywhere. I am proud to have been part of his team even in a minor way. As I said, we had our disagreements on issues, but he was a wonderful leader and his extraordinary contribution to Victoria should not be belittled in any way.

It is also important to put on the record some of the differences between 1992 and 1999, the first of which is the approach to government. In 1992 the incoming government inherited a $32 billion debt, which it turned around. When surpluses have become the norm both in Victoria and in other places it is difficult to remember what it was like when the state kept spending more than it had, when we were on the handcart ride to hell. Victoria just could not have kept going the way it was. Everybody recognised that we could not go on spending money we did not have.

Even though Victoria had a $16 billion state budget, it was spending $2 billion more than was coming in. You cannot do that for too long before you get into an interest spiral. My recollection is that an extraordinary percentage of the state's revenue was spent on paying interest on borrowed money. The only way out of the debt spiral was to do the hard yards, which the former Kennett government did. The former government turned around the AA credit rating and the negative outlook. It is the only government that has been able to restore a AAA credit rating. The increase in the number of Victorians in work was extraordinary.

The other two categories to which I refer are the economy and the social aspects. The Kennett reforms provided a great impetus in all three areas.

During the late 1990s as soon as state debt was reduced and the budget surpluses increased the economy started to grow. Confidence grew and more Victorians gained work than ever before.

People talk about the decline in the manufacturing industry. In fact, some union members bemoan what is happening, but from 1991–92, when Victorian manufacturing turnover was about $54 billion and New South Wales turnover was $58 billion, to 1997–98, the last figures I have, Victoria's manufacturing turnover grew to $69 billion while New South Wales manufacturing turnover grew to $68 billion. That does not happen by chance. It happens only when the fundamentals are right — when business investment and planning procedures are in place so people have certainty.

More research and development takes place in Victoria than anywhere else in Australia. In 1991–92 the value of building approvals was about $4 billion, but by 1998–99 it was $8.5 billion. Why is that? It is partly because people are now coming back to Victoria to live. In the early years of the Kennett government, perhaps in 1993, about 25 000 people were leaving Victoria each year. In fact, people had been leaving Victoria every year for the past 30 years. During the past two years people have starting to return to live in Victoria. This year Victoria had a net increase of about 4000 people. It is an interesting statistic. I believe in performance measures and I look forward to seeing whether the net inflow of people to Victoria from other states will be maintained.

One of the great differences between the government and the opposition is that the opposition overwhelmingly believes people should look after themselves, get on with reality and go where opportunities are maximised. Victoria was a basket case during the administration of the last Labor government. I know government members try to pretend they are different and that this is an open, transparent and accountable government. I hope they are right, because

who would want to go back to how Victoria was in 1991? We all remember the jokes. How do you get a small business in Victoria? Start a big business under Labor! What is the capital of Victoria? Twenty-five cents! That was Victoria in the late 1980s and early 1990s. Government members should not belittle the achievements of the Kennett government. Private new capital expenditure is higher than ever; retail turnover is booming; motor vehicle registrations are up; exports are at an all-time high; and more people are employed in Victoria than ever before.

Opposition members well remember the line pushed by the former Labor government that Victoria had 84 months in a row of unemployment levels lower than the rest of Australia. That was true, but why was it true? The government put people on the public payroll. Unemployment can always be reduced if government is prepared to borrow money and hire people. The side-effect is that debt goes up, interest payments go up, there is less money to spend and so the economy spirals slowly downwards. All the statistics quoted to me over those years, especially that the former Labor government had a lower unemployment rate for 84 months in a row than any other state in Australia, ring hollow because they distort the reality. They were not jobs in the private sector, where wealth is created, taxes are paid and the economy is kept moving. Employment was created by borrowing money and creating jobs in the public sector.

I do not belittle the public sector. I have worked in three state governments — the commonwealth, the South Australian and the Northern Territory governments. I have an immense admiration for the public sector in Victoria. The former Premier talked about a partnership that enabled things to get done in Victoria — a partnership with business, the community and particularly the public sector. The public servants that I dealt with during my time in government were exemplary in so many areas.

The public service in Victoria has become the public service of choice. Other state and federal governments look for senior officers from our public service. Good officers who want to be refugees from other state and federal governments come to Victoria. You cannot get a better accolade than people wanting to come and work in your public sector and other governments wanting to rebuild their public sector by stealing your public servants. However, an economy cannot be built by building up the public sector. My great worry as I look at the early signs of the first 50 days of this government is that I see some bad signs emerging. I understand the union liaison officers have just been appointed.

Hon. M. M. Gould — Industrial liaison officers, and they are already public servants.

Hon. BILL FORWOOD — The Leader of the Government is exhibiting her extraordinary interest in the political wing of the trade union movement, commonly known as the government. I counsel the government to be careful because the economy is fragile and the balance must be right. If the balance is lost investment is lost, and if investment is lost jobs are lost, and the decline I referred to before will occur.

The Premier said the government is unashamedly pro-business. I assume the Leader of the Government agrees with that.

Hon. M. M. Gould — The Premier said that, and I am happy to agree with him.

Hon. BILL FORWOOD — Being pro-business means more than words — actions send messages better than words. I would be worried if business investment and planning approvals were declining and costs to small business were rising. The decision to have two public holidays for Christmas Day and New Year's Day, which fall on Saturdays, sends a bad signal. I believe people should spend time home with their families and get public holidays. I am not so sure that they should get two! As an example, a person who works from 9.00 a.m. to 5.00 p.m. five days a week and who does not work on Sunday will now be paid for the Boxing Day public holiday and will receive a free day's wage.

Hon. M. M. Gould — People will not be paid if they are not working.

Hon. BILL FORWOOD — I am not sure that is right. If the minister looks at what the government has done she will discover that many people who do not normally work on Sunday will now become entitled to be paid for a public holiday. I know she is just the minister and could not be expected to know the ramifications of her own actions but — —

Hon. M. M. Gould — I do not think so.

Hon. BILL FORWOOD — Perhaps the minister would check.

Hon. M. M. Gould — I am not the responsible minister. Small business covers public holidays.

The ACTING PRESIDENT (Hon. G. B. Ashman) — Order! Mr Forwood should continue without prompting.

Hon. BILL FORWOOD — Thank you, Mr Acting President. I was engaging in some mild speculation about whether small business costs will rise under the Bracks minority Labor government. Unfortunately, I think the answer is yes, which is a worrying trend.

As I said, I hope the government is pro-business. I will be working very hard to ensure that the Bracks government is a one-term government because I do not think I could stand by and watch the Labor Party again destroy the state after the former Kennett government did so much for Victoria in revitalising confidence and creating opportunities for the future.

I am a proud council member of the University of Melbourne which does so much in Victoria in the areas of education and research. The former government first appointed me, but after the reforms of the council I remained a member in my own right. The government must get the western precinct going and invest in people, ideas and research to gain the benefits of flow-on effects.

Many honourable members will be aware that Melbourne IT was floated yesterday. That company has enjoyed extraordinary success. When it was formed three years ago its shares were regarded as overpriced at $2.20. Yesterday they hit the exchange at some $8. That is the sort of intellectual capital existing in Victoria today. I plead with the Bracks government to ensure that investment opportunities are not lost because the unions are back in control. Victoria will be the loser if the momentum built up by the former Kennett government, of which I was so proudly a member, is lost. I hope the Bracks Labor government has a real pro-business attitude.

I have the honour to be the shadow minister for small business, tourism and aboriginal affairs. As a result of my time in the Northern Territory I am deeply concerned about Aboriginal affairs. I will work in a cooperative manner with the Minister for Aboriginal Affairs in another place. We have already had several discussions, and I look forward to working with the minister in a bipartisan manner for the benefit of both Aboriginal people and all Victorians. Doing things together enhances society. I hope positive benefits flow from the reconciliation process that has been going on for some time. Recently I attended a learning circle; it was terrific to be there and see the energy with which people grappled with the complex issues of aboriginal affairs.

Tourism is another passion of mine. I was involved for a short time in the tourist industry in the Northern Territory and I am delighted with the work done in Victoria. Yesterday the tourism minister in another place expressed some pride in the high number of international visitors for 1998–99. I refer honourable members to question time reported in yesterday's *Hansard* where the minister spoke about the increase in numbers of tourists from Singapore, Asia and other places. I commend the extraordinary work done by Tourism Victoria and the former minister, my friend and colleague now in another place, Louise Asher, who was an outstanding minister. I look forward to working hard in the tourism area with other committee members.

Small business is an important issue. In her absence it would be unfair of me to be overly critical of someone who has been a minister only since 20 October. I know I will have many opportunities to criticise her in the future! I was heartened when I heard her inaugural address because the Minister for Small Business said she came from a small business family. Her brother was starting a small business and her parents were also involved in small business. The minister is a functional hack from way back, but small business is a crucial area and is the driving force of the state's economy. I do not want to be critical of the minister but — —

An Honourable Member — Go on.

Hon. BILL FORWOOD — Yes, I will; I cannot help it.

Small business needs an extraordinarily fierce advocate at the cabinet table. One of the things ministers have to do in that environment is make sure that when others are doing things that impact on their portfolios they are not there as a cheerleader but as a member who represents the interests of his or her constituency.

Honourable members heard from the minister's own mouth that she was not consulted on the decision made by the Minister for Health in the other place about banning smoking in restaurants. How could she have been an advocate for small business in that situation? I become worried when such decisions are made by other arms of the government because they may have a bad impact on small business without the minister having her say. I vigorously encourage her to speak on behalf of small business, to meet and work with it and to do everything possible in the areas covered by her portfolio.

I turn to make a few comments about hospitals. The Austin and Repatriation Medical Centre was and has been for some years a contentious and difficult issue in my electorate. The former Heidelberg Repatriation Hospital was operated by the commonwealth

government and the former Austin Hospital was operated by the state government. The two tertiary hospitals were located less than a mile from each other. They merged following a decision by the federal government to get out of running hospitals. The former Preston and Northcote Community Hospital was a little bit further down the road. Mr Furletti and I were at the repatriation site on Armistice Day and could see the former PANCH from where we stood. Something had to be done about the fact that the area had three tertiary hospitals that were decaying and in need of capital works.

New methods of approach — a builder-owner-operator approach and a builder-owner-lessor approach — were considered. The former government decided to amalgamate the hospitals on one site and improve health care in the region. It was a contentious proposal and people started running dishonest campaigns. The Save the Austin campaign was totally dishonest. What would we have saved the Austin for? Why would we want two hospitals a mile apart? Why not build a modern hospital on the new site rather than having decaying buildings on both? Why would we not aim to have better hospital facilities in the region for the people of the area? The solution was logical.

It is easy to run a negative campaign and a strategy that says, 'We don't believe in privatisation'. The line from the current Minister for Health in the other place about putting profits before patients was a simple mantra, but it was meaningless except in political terms. I fear that the policy integrity of the Kennett years will go out the window and Victoria will be in danger if the current government runs the populist line. No-one on either the opposition side or the government side wants that. There has to be some policy integrity on these issues if Victoria is to be the place we all want it to be 20 or 40 years from now. All honourable members want that as Victorians — not as Liberals, Nationals, Independents or Labor Party members. I encourage the government to think through these issues.

The former coalition government knew it was trying to establish a difficult project, and it was fascinating during the recent election campaign to hear the Labor Party say it would commit $155 million over three years to it. Labor could not answer the fundamental question on whether it will be one hospital on one site, or two hospitals. I shall be interested to know how the government intends to spend the $155 million, because it would not fix even the existing hospitals. I am delighted that $155 million is coming into the hospital networks in my area because the people need it and deserve it. I do not mind whether it comes out of the budget or whether it is private capital, but I want a modern hospital facility.

In a recent contribution the honourable member for Ivanhoe in the other place said something about my trying to divert the campaign, because during the lead-up to the recent election the Liberal campaign organisers in the seat of Ivanhoe arranged to move billboards that carried the message 'A New Hospital? Yes Please'. Why would I be ashamed of that? Of course I want a new hospital, and I hope I get it under the new government. I hope the $155 million will be the start of the allocation of the funds that are necessary to get a hospital complex, preferably on the one site, because that would be better than having two hospitals a mile apart. I hope it will happen in the near future.

I will finish my contribution by paying tribute to a number of people, particularly those who worked hard in lower house seats to ensure the people of the Templestowe Province had the opportunity to vote and return me to this place. The terrific effort of Don McLean, who unfortunately did not gain a seat, goes to his credit. He is a man of real humanity. I thank my colleagues in the lower house — Nick Kotsiras, Victor Perton and Wayne Phillips — and my friend and colleague Carlo Furletti, with whom I work closely in the Templestowe Province. I also thank David Perrin, the former honourable member for Bulleen in the other place. I look forward to the speedy adoption of the address-in-reply.

Hon. N. B. LUCAS (Eumemmerring) — I am pleased to make an address-in-reply to the speech given by His Excellency the Governor on the occasion of the recent opening of Parliament.

First, I pay tribute to the continuing work of His Excellency and Lady Gobbo, who are doing a fine job as leaders in the state of Victoria. I have been pleased to meet with them on a number of occasions both in Melbourne and in my electorate. The presence of the fine man, Sir James Gobbo, at the occasions which I have attended adds greatly to the occasion. Through his presence, he displays interest in and support for a wide range of activities. He is doing a wonderful job for Victoria.

I also recognise the continuing presence of the Honourable Bruce Chamberlain as the President of the house. The excellent job he is doing is appreciated by members on both sides of the house.

I place on record my congratulations to the Honourable Barry Bishop, the new Deputy President and Chairman of Committees, and I look forward to his contribution.

In referring to former members of the house, I refer firstly to the Honourable Louise Asher. The house is the lesser for her absence but she has moved on to greater heights in the other place. Her parliamentary career is progressing well and she is doing a fine job for the partnership. It is a shame she is not in the house to hear this.

I wish to refer briefly to other members who have passed on to private industry or retirement. In his contribution before me, Mr Forwood mentioned individual contributions in detail. I wish to place on record my admiration for the people who have served on both sides of the house over the years. Particularly, I pay tribute to the Honourable Rob Knowles, former Minister for Health, who is one of the most impressive people I have had the pleasure to come across in the Parliament during my short term as a member. He is a great loss to the Parliament of Victoria and I wish him well in the future.

I would like also to briefly state my appreciation of the work of Rosemary Varty, Dick de Fegely, Bill Hartigan, Sue Wilding and Ron Wells on the side of the Liberal Party. Each, in his or her own way, made a valuable contribution to the work of the government of the day.

I refer to those from the other side of the house who either retired or moved on in some way: I record my admiration for Caroline Hogg, with whom I worked in local government before coming to this place — a very nice person whom I was pleased to meet with yesterday. She is enjoying retirement out of Parliament.

I also pay tribute to Pat Power who, sadly, was dudded by the Labor Party through some factional deal and lost the numbers.

Mr Power was one of the hardest working members of the former opposition. He and I enjoyed the cut and thrust of debate, as did Don Nardella, who is now in the other place. We enjoyed shouting at each other as much as Mr Forwood and he enjoyed shouting at each other! I also pay tribute to Barry Pullen and Tayfun Eren, who are no longer members of this place, and wish them both well.

I am proud of the work undertaken by the government of which Jeff Kennett was the leader. Jeff Kennett and I go back a long way. I attended the same school as he did. I knew him as a young man who was different and who did not fit in with the normal run of things at the school. He was different in the nicest sort of way. In later life he was very different — so different that history will show him to have been one of the greatest political leaders this country has known. I am proud to have played a small part in the Kennett government from 1996 to 1999.

When I look back to see how Victoria has changed from 1992 to 1999, I feel proud — the previous speaker, the Honourable Bill Forwood, feels the same — of what the members of the Kennett government achieved. Nobody can take away from us our achievements during that time.

I cannot overemphasise the Kennett government's achievement in getting Victoria out of the big hole it was in, with debt in excess of $32 billion. It is almost impossible to contemplate the enormous size of the debt the Cain–Kirner governments bequeathed to Victoria when Labor was turfed out of office. The new government has inherited a debt of $6 billion, which is a difference of $26 billion — a staggering amount! The average Victorian cannot comprehend the magnitude of that turnaround.

In its day-to-day operations under the former Labor government Victoria was running a current account deficit in excess of $2 billion. In other words, the former government was spending money it did not have, which resulted in the ridiculous situation of teachers employed by the Department of Education receiving salary cheques from a different department because the education department had run out of money! By 1999 the Kennett government had not only got rid of most of the debt, balanced the books and created an environment in which the government could pay its day-to-day expenses, it had also generated a substantial budget surplus, which has now been bequeathed to the new Labor government.

I advise honourable members opposite not to waste the wonderful legacy they have been given by the Kennett government. I challenge the new government to act sensibly and with an appropriate consideration of the need for financial responsibility. If it does so it will represent a huge turnaround compared with the approach taken by its predecessors during the Cain–Kirner years.

In contemplating where the Kennett government started and where it ended, I often wonder where Victoria might have been had the 10 years of Labor government from 1982 to 1992 not been wasted. If during those 10 years Victoria had not run up a huge debt and had kept its current account in balance, and if in 1992 the Kennett government had come to office free of the legacies it inherited from Labor, what a wonderful position Victoria would now be in! Things would be

even better than they are now. As I said, it is a shame the 10 years from 1982 to 1992 were wasted.

The challenge for the new government is to do the right thing, be financially competent, not run up debt and keep its current account in balance. I also challenge the government not to be responsible for more wasted years. I say that because Victorians expect their government to be financially responsible. They did not get that responsibility from 1982 to 1992, but they got it from 1992 up to 1999.

Australia has a wonderful form of democracy. At the end of the day, after everyone has voted, the winners move into office and the losers move out. I respect that form of democracy, which we are lucky to have — and which resulted in a change of government in Victoria in September. I accept the result, because the people have spoken. I also accept that with the Independents supporting it in the lower house, the Labor Party has the right to form a minority government. But I remind the house that the minority government did not get a majority of votes in its own right. The job ahead of the Liberal and National Party partnership is to form the strongest possible opposition and to hold the government accountable for the promises it made during the recent election campaign — and it made a lot!

I have already taken up with Minister Madden one of the myriad promises Labor made during the campaign. At this stage, my queries have not produced a result. However, it is a good example of the promises the new government has not yet honoured. During the election campaign the shadow cabinet, led by the then Leader of the Opposition, Mr Bracks, visited the City of Casey, where council representatives outlined a proposal for an indoor leisure facility and swimming pool. Mr Bracks asked how it was to be funded, to which the council representatives replied, 'It will be funded by a grant from the swimming pools fund and by moneys that the council has already put together for the purpose. There is a difference of $2.5 million, which will have to be borrowed'. Mr Bracks said, 'You shouldn't have to borrow that. When we win government we will give you a grant of $2.5 million to make up the difference!'.

Honourable members know the election result. I have raised the subject three times with the new Minister for Sport and Recreation and have asked: where is the money, and will you hold to this promise? The question has not been answered to my satisfaction. In fact, in answer to one of my questions the minister said, 'You have already been promised $2.5 million from the swimming pool fund'. As I understand it, that was promised by the previous government, so it is a different $2.5 million. I wonder whether the government is now trying to wheedle its way out of this promise given by Steve Bracks. I also wonder whether, in fact, Access Economics had this $2.5 million on the list of commitments the now Premier made during his campaign.

I am asking the government: where is the money? It has made a promise. Where is the $2.5 million? There is no-one on the government side of the chamber at the moment who can answer my question. I advise the government I am holding it accountable for the $2.5 million promise it made. Three newspapers reported that Steve Bracks had promised that money and the Casey City Council does not have it. I will continue having a go on this matter until the money comes forward, because if it is not forthcoming the whole local community — there are 180 000 residents — will be told that Mr Bracks has broken another promise. In a moment I shall get to some other election promises that were made.

The role of the opposition is to hold the new government accountable. It will ensure that the promises and commitments it made during the election campaign are undertaken. That is what the people expect. A charter was prepared, a number of suggestions were made as to what the government should be doing, and a raft of promises and suggestions were made about what a new Labor government would do.

On 10 November Mr Jennings made an extraordinary statement during debate in this house. He suggested that when you are an opposition trying to win a campaign you make promises, and then if you actually win it is a different situation — you may or may not be able to fulfil those promises. I presume that what Mr Jennings was saying to us on behalf of the government was, 'We have made all these promises, but we may not be able to keep them. Now we are in government we are able to renege on them'. What a disgrace to have a member of the government who, now in this position of power, is saying, 'The only reason we made those promises was to win government'. That is not responsible. That is not what the community expects. He was saying political parties and individuals can come out with a heap of promises and then not fulfil them when in office. Mr Jennings stands condemned for suggesting in this house that the new government will not fulfil its promises.

In his speech on the opening of Parliament on 3 November His Excellency the Governor said the new government would be open and accountable and that it would improve the democratic operation of Parliament.

It is interesting to contemplate whether that has occurred. I will compare the government's proposal and the opposition's proposal for the more democratic and open operation of Parliament. When honourable members in the other place were considering the sessional orders for the lower house, the opposition proposed that private members' bills be allowed to be debated on Wednesday mornings; the government offered no practicable opportunity for that to occur. The opposition suggested the arrangement for questions without notice should be 45 minutes or 15 questions on Tuesdays and 30 minutes or 10 questions on other days. What did the Labor government propose? It proposed 30 minutes or 10 questions each day.

The opposition proposed that the time allowed for non-government business be until 2. 00 p.m. on Wednesdays, which is equal to about 4½ hours, less formal business — and 4 hours minimum. In addition, the opposition proposed allowing 1 hour for the discussion of matters of public importance on all days except Wednesdays. The Labor government proposed and put through the other place, because of its numbers, the provision of 2½ hours on Wednesday mornings. Is that the way the new government provides for better and open government? Is that how it gives everybody a fair go? The government has voted down a proposal by the opposition for more hours and a better go for opposition members.

Another statement made in the other place was that the government would establish family-friendly hours. The whole idea is that you work from 9.30 a.m. until 6.00 p.m., or whatever, and then you go home and tuck the kids into bed. That would be wonderful! But has it been translated into action? An examination of some of the adjournment times for the other place tells the story: 1.26 a.m., 11.30 p.m., 10.58 p.m., 11.28 p.m., 11.19 p.m., 11.16 p.m., 11.59 p.m. and 11.07 p.m. The earliest adjournment time for the Assembly was 10.58 p.m. And then you go home to see the family, do you? They will all be in bed asleep! Family-friendly hours have not been introduced into the other place, and they certainly do not operate in this place. That was another hollow suggestion, another hollow promise, from the minority Labor government.

In my view the new Minister for Education should not be holding that position. I know that view is also held by many members of Parliament. The new Minister for Education stands condemned for her ineptitude. The press have all but given up dealing with her. The comments about her in the press show her to be trying to talk press reporters down. As a former television presenter she believes she should be one better than people writing for the newspapers.

The record of the Minister for Education with self-governing schools, to which I shall refer in more detail, is shocking. There have been three self-governing schools in my electorate: Berwick Secondary College, Berwick Primary School and the Southern Cross Primary School. Through each of their school councils, those schools put a lot of work into the self-governing proposal. Over a period each school worked with its school community on whether it should take the self-governing road, and each took that road for a number of reasons, including improving the lot of the children in those schools, giving encouragement to their teaching staff and being able to specialise in particular areas.

The Berwick Secondary College, for instance, went into the arts in a big way. Recruitment procedures were either in progress or had occurred, funds were allocated and other funds were in the process of being spent, and positions for the new year were being confirmed. Suddenly in early November the minister put a stop to self-governing schools, without any consideration that contracts were already in place and had been signed by the schools and the Department of Education, without any consideration of the fact that work was in progress and recruitment procedures were in hand, and without any consideration of the upset that would occur to both the school councils and the teaching staff.

A memo was sent around saying that the self-governing schools program would cease. A report at page 24 of the *Herald Sun* of 10 November reports Ms Delahunty as saying:

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

Labor has a policy of everything being exactly the same. A school has no scope to use initiative; to do anything special, different or exciting; or to pursue a course it has identified as a way of improving an area for the benefit of pupils.

An article published in the *Age* of 13 November reports the minister as refusing to say whether the contracts that had been entered into would be honoured. Another article in the *Herald Sun* of 16 November reports the minister as playing down suggestions of a court challenge and indicating that two associations of principals were seeking legal advice.

The saga continues. An article in the *Herald Sun* of 17 November states:

> Mr Bracks said the ALP had a clear mandate to scrap the Kennett government program, which gave 51 schools extra funding to operate as autonomous businesses.

The Premier did not mention that contracts were already in place and had been pushed to one side. An article by Ewin Hannan published in the *Age* of 18 November under the heading 'The Trouble with Mary' reports the minister, and states:

> She said that if the contracts were found to be binding, the self-governing schools would retain the extra funding, potentially for three years.

The situation has changed from one where the minister said, 'This is the end of it; it will stop', and the contracts being pushed to one side, to the minister's being forced to recover ground and admit the contracts had to be considered. The end result is that officials from the Department of Education, Employment and Training are having to negotiate with each of the schools to work out an arrangement whereby the schools can get themselves out of the problems the government has put them into. I hope the schools that showed the initiative to get into the self-governing program will not be let down.

An article in the *Herald Sun* of 27 November referred to a class cap gaffe and reported that the minister had indicated that there was no cap, that it did not exist. However, most honourable members would have read on the Internet the commitment by Labor that if elected it would cap class sizes in primary schools from grade prep through to grade 2. The article reports the minister's comments — they must have been made on 26 November because the article was published on 27 November — and states:

> Education Minister Mary Delahunty has contradicted her party's policy on class sizes.
>
> Ms Delahunty told the *Herald Sun* … the ALP had never set a cap on class sizes.

That is nonsense. I read it, as did other honourable members on this side of the house.

An article on page 5 of the *Age* of 20 November headed 'Class size promise about-face' refers to the matter as another Bracks promise that has been contradicted and says that the government had to go back and check what its policy was. Mr Bracks was forced to pull the Minister for Education into order and to point out to her that a cap was indicated in Labor's policy.

I turn to the issue of the Waverley Park. The issue is near and dear to me. During the time in office of the former government I took it up and spoke about it with both the former Premier and the former Minister for Sport. It is an issue in which many honourable members on this side of the house have had some interest. The original promise of the new government, which was set out in Labor's policy, was that it would act immediately to start negotiations with the Australian Football League to explore all feasible options to — this is the important bit — retain Waverley Park as an Australian Football League venue. Since that policy the now Minister for Sport and Recreation, the Honourable Justin Madden, has taken up the issue. I think it is fair to say that the first phone call the government made was not to the AFL, but to mum and dad — —

An honourable member interjected.

Hon. N. B. LUCAS — It was to Aunty in the United Kingdom, or wherever; I do not think the first phone call it made was to the AFL about saving Waverley Park for AFL matches.

The record of questions asked in this house subsequent to the election shows that the Honourable Justin Madden has gradually retracted from the government's position on Waverley Park. Statements made during the campaign included terms such as 'compulsory acquisition'. Opposition members have not heard those words lately. Instead they have heard that Waverley Park will be saved. They have heard, firstly, that the AFL still has the park up for sale and intends selling it, and secondly, that the AFL has no intention of scheduling any AFL home-and-away matches at the ground. All we have heard from the government is, 'We are still negotiating and trying to get the best option for the community'.

The rabble of a government that is Labor may be saying to the AFL, 'Look, if you can give us the stay we can say we have saved the place', but then one day I might drive along Jacksons Road and find houses where the ground's car park was — some developer will have bought it — and the local under 10 Jells Park footy team playing in a whacking great stadium. A huge stadium such as Waverley Park cannot be allowed to sit and not be used appropriately. It can fit in 60 000 or 70 000 people — Mr Cover will help me out here.

Hon. I. J. Cover — It fits 100 000.

Hon. N. B. LUCAS — I am advised that it fits 100 000. All those people can fit on the big concrete grandstand. If all the parking is sold off and disappears big events will not be able to be held at the stadium. What will the government do with the stadium? The government says that Victorians will get the best option, but the term 'best option' has a big question mark against it. Who knows what we will end up with? The best option is a novel concept.

Hon. R. M. Hallam interjected.

Hon. N. B. LUCAS — As is unilateral negotiation. The AFL issue is a joke. The government says in one breath that it will save Waverley Park and that the footy will stay there, yet in another breath a couple of months down the track it says it is looking at the best option, that it does not know what it is but that it is working on it. That is the government's policy. The opposition wants to hear more from Minister Madden on the issue. It has not heard what it wants to hear. It has not heard how he is progressing with his negotiations and it does not know what he will end up with.

I turn to the Scoresby freeway issue. The proposed freeway is needed as one of the most essential pieces of infrastructure on the east side of Melbourne.

All municipal councils, from Ringwood to Frankston, support the concept of the Scoresby freeway.

Hon. Bill Forwood — Even the Labor ones.

Hon. N. B. LUCAS — Mr Forward suggests even the Labor ones. While talking about the Labor councils, I refer to the City of Greater Dandenong, which is predominantly a Labor council. Phil Reed is a councillor with the City of Greater Dandenong — Cr Reed was defeated at the last election by Dr Dean, the member for Berwick in the other place. Cr Reed, as he is known in Dandenong, worked hard to talk the City of Greater Dandenong into opposing the Scoresby freeway. As I recall, he had the matter deferred when it came up for support. In the end they beat him down and the council of the City of Greater Dandenong supported the Scoresby freeway. That locked in every council from Frankston to Ringwood. They formed an officers group to support the freeway which, with the approval of the respective councils, published a document titled 'The Eastern Ring Road, Preventing Gridlock in the Nation's Largest and Fastest Growing Economic Region'. It concluded:

> If construction of the eastern ring road —

which is the Scoresby freeway —

> does not commence by the year 2001: vehicle trip lengths will increase by 6.6 per cent; trip times will increase by 19 per cent; vehicle speeds will fall by 8 per cent; vehicle operating costs will increase by 45 per cent; greenhouse gas emissions will increase 46 per cent; user costs will increase 45 per cent; greater intrusion of through traffic onto local roads.

They did their homework. Those figures were based on Vicroads sources, so they are fair dinkum. The figures tell the community and the new government that the road is needed. It certainly is.

When one considers the positive effect of the Western Ring Road, one can readily see the enormous beneficial effect of the ring road and how the same thing would happen on the eastern side of Melbourne. An article in the *Herald Sun* of 22 November referred to a study by Wakelin and Wakelin, property consultants. Monique Wakelin of that company states:

> The Western Ring Road, City Link and other infrastructure improvements over the past five years have opened up the west.

Another article in the *Herald Sun* of the same date referred to a new dawn for the west. Those articles indicate the tremendous growth that has occurred across the western suburbs since the Western Ring Road was completed.

An article in the *Herald Sun* of 22 November, headed 'Growth surge hits west', states:

> Melbourne's western suburbs have shrugged off recession, with booming investment and jobs sweeping away the area's rust-bucket tag.

Ms Barbara McClure of the Western Melbourne Regional Economic Development Organisation said:

> The spark for the west's turnaround was the opening five years ago of the Western Ring Road which made the region more accessible.

I ask the government: why can't we have such a road on the eastern side of Melbourne? It smacks of injustice. It smacks of the new minority Labor government saying it has to support the west and keep any economic activity out of the east. The very thing that will boost economic activity in the east of Melbourne is an improvement in the major transport link from north to south. One can travel into the city by the south-eastern arterial, now the Monash Freeway, but to head north or south is another matter. To head north from Dandenong, one has to use Stud Road.

I think it was Mr Ashman, a member for Koonung Province, who said if one heads from one end of Stud Road to the other, one has to contemplate 26 sets of traffic lights, and a truck driver has to go through 500 changes of gears. Stud Road starts at a T-intersection and finishes at a T-intersection and the traffic potential on the road is saturated. I took the matter up with Mr Batchelor, the Minister for Transport, and received a letter dated 17 November, which states:

> Construction of the Scoresby freeway will not occur during the next four years.

He then goes on to talk about the upgrading of Stud Road. I know Stud Road a lot better than that. I know

its capacity to be expanded is extremely limited. It will result in a gridlock of traffic in Stud Road. A Mr J. Kelly of Dandenong wrote a letter that was published in the Dandenong *Journal News* of 8 November — I assume it is Cr John Kelly of Dandenong, a fine man:

> The government has done Dandenong a great disservice by scrapping the Scoresby freeway.
>
> The freeway would have encouraged business to come to Dandenong and adjoining areas.
>
> Presently, some 75 per cent of traffic passing through Lonsdale Street —

that is the main street of Dandenong —

> is heading to locations outside the main shopping precinct. The imperative is to move that traffic around our city, not through the middle. The government solution is to upgrade Stud Road. With T-intersections at both ends, an upgrade will be useless in improving traffic flows. Just look at peak-hour traffic on Stud Road now. Better, ask those who use it to come to work in our city.
>
> Melbourne's second city will fast become closed for business now that the new government has taken the Scoresby freeway off the agenda.

The Department of Infrastructure released an environment effects statement in July this year that shows the benefit–cost ratio on this project is 5.2; the net present value, which is the difference between the discounted benefits and the discounted project costs, is more than $1916 million; the number of accidents saved over the analysis period, which is through to 2021, would be represented by 61 fatalities, 1154 serious injury accidents, and 3062 other injury accidents; so there would be 4277 fewer accidents. Over the same period the study shows that 3233 million tonnes of CO_2 equivalent and 13 658 tonnes of lead emissions would be saved if the road is constructed.

The statistics show that the construction of the Scoresby freeway is justified, because unless it is Stud Road and probably Springvale Road will eventually become gridlocked. An independent expert analysis shows that the environment will be greatly enhanced by the construction of the road and that huge savings will be effected by the prevention of loss of life and injury. The residents of Dandenong, which is in my province, and the residents of municipalities to the north and south are strongly in favour of the freeway being constructed.

It is interesting to note that an article on page 2 of the *Examiner* of 2 November states:

> A lot of local businesses, investors, developers, the RACV, motorists and councils — especially Greater Dandenong — want the freeway to be built …
>
> So, when you are stuck in traffic on Springvale Road —

and I would suggest Stud Road —

> or when trucks are using your suburban streets for 'rat runs' blame Phil Reed.

I do not blame just Cr Phil Reed of the City of Greater Dandenong, a failed Labor candidate who works for the Minister for Transport, I blame the whole government. The government has decided not to get on with a project that people in the east need. I say to government members, using a term they use, 'Get on with the job. Why not put your claims about the Scoresby freeway into effect?'.

Along with a number of colleagues from both sides of the house I recently attended a breakfast meeting with councillors of the City of Greater Dandenong. Much to my amazement, we were given a document headed 'Safe Injecting Clinics'. The last thing I want to do is politicise the drugs issue, but the record shows that during the election campaign a proposal was made to establish a safe injecting house in Dandenong. I spoke out publicly for the very reason that the then opposition was saying that in government it would look at establishing five to seven safe injecting rooms close to health facilities across the metropolitan area.

When I looked around Dandenong, I was immediately aware of the hospital in David Street. If a safe injecting room were to be established in Dandenong close to a health facility, I would not want it to be near the hospital for the very reason that diagonally opposite the hospital is a primary school, opposite that is a secondary school and behind the hospital is the Chisholm Institute of TAFE.

At the time I issued a document under my name and address. I was criticised for forgetting to put 'MLC' on it — but that is the way it goes when you are in a hurry. The document stated that I did not want such a thing in Dandenong because I was concerned that it would end up near the schools and the tertiary institution. At the meeting the other day I was given a sheet that contains the following statement:

> The City of Greater Dandenong suggests the following issues be considered …
>
> (g) An area for 'safe dealing' be established near the safe injecting clinic to ensure that dealers are confined to a particular area.

It is amazing that the councillors of the City of Greater Dandenong would contemplate allowing the establishment of a safe dealing area where drug dealers could with impunity sell drugs to the people who want to buy them. That became a public issue. People

debated the issue on the radio and an article about it appeared in the *Herald Sun* of 16 November. It is fair to say that a huge majority of the people who commented were against the proposal. The important point is the inappropriateness of putting that proposal to the community. I wonder how a council that presumably acts responsibly could suggest that drug dealers have the right to deal with impunity in some specified area in the streets. That has of course been ruled out as illegal and will not be allowed. The sheer stupidity of the council's suggesting it in the first place is incredible.

As an aside, later the same day the council put out another document, which was worded differently from the document that had been given to local members of Parliament that morning. It states:

> Some of the issues council believes need to be debated … include …
>
> The question of the supply of illicit drugs to users of safe injecting clinics be discussed as part of the debate, including consideration of the 'controlled supply of drugs' and the establishment of possible 'safe dealing areas' to ensure that dealers are confined to a particular area.

So in that time they had not learnt anything at all, which is a shame.

I finish that point by emphasising that when making public statements councils need to act responsibly. The Greater Dandenong council did not act responsibly in making that statement. I do not want to be associated with suggesting that something illegal be allowed. I am confident it will not happen. I hope that in the future the council will be more sensible when it issues public statements about that difficult issue. I sit on the Dandenong Drug Action Group and am aware of the problems out there, as is my colleague the Honourable Gordon Rich-Phillips. We both have a continuing interest in what is going on in the area. It certainly needs to be discussed in a sensible way that does not result in the making of ridiculous suggestions.

I am pleased to serve the residents of Eumemmerring along with my colleague the Honourable Gordon Rich-Phillips, who may be the youngest member of Parliament in the world. Nobody has yet suggested otherwise! He is certainly the youngest member to have served the Parliament of Victoria — he beats the Leader of the Opposition in this place by 10 days. He worked that out, and I am prepared to believe him. In saying how pleased I am to be working with Mr Rich-Phillips, I place on the record how wonderful it is to be part of a team and to know that your colleague is a goer and a worker, is fair dinkum and will stand beside you in times of trouble. I am pleased that Mr Rich-Phillips has been elected to this place, and I look forward to spending some time in this place with him.

I wish to refer to one particular difference between the government and the opposition — that is, the union philosophy espoused by members of the government. The union philosophy has the concept, 'What can we get out of the system? How can we screw things down and get more?' The recent reports in the media indicate that the unions are now saying it is their turn to screw things down. I well remember when the Leader of the Government in this place received a phone call from a representative of a union that was on strike and she wished its members well. It is a sad state of affairs when that occurs.

I believe the smile will soon be wiped off the faces of members of the government when unions force their policies on to the government. Already union officers are being appointed as government advisers; you can see them wandering around Parliament trying to influence ministers. The government will face significant industrial relations issues in the coming year. Government members should consider what they can contribute to the community, rather than what they can get out of the system.

My challenge to the government is to examine what it promised the community that is not already on the public record. The government should tell Access Economics all the things that were not listed on the papers it examined. The government must look at the promises it made during the election campaign, because I assure it that the opposition will hold it to account. The chickens will come home to roost. As sure as night follows day things will go wrong because this government cannot fulfil its promises. The Liberal and National parties will be a strong opposition and will hold the government to its election promises.

The DEPUTY PRESIDENT — Order! The time has arrived for this house to meet with the Legislative Assembly in the Legislative Assembly chamber to recommend members for appointment to the Victorian Health Promotion Foundation.

Debate interrupted.

Sitting suspended 6.16 p.m. until 8.02 p.m.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The PRESIDENT — Order! I have to report that this house met with the Legislative Assembly this day

to elect two members of Parliament to the Victorian Health Promotion Foundation, and that the Honourable Ronald Alexander Best, MLC, and Ms Jenny Margaret Lindell, MP, were elected to the foundation for a three-year term commencing on 15 December.

GOVERNOR'S SPEECH

Address-in-reply

Debate resumed.

Hon. I. J. COVER (Geelong) — I have pleasure in speaking on the address-in-reply to the Governor's speech. I acknowledge the support of my colleagues from the Liberal and National parties on the opposition benches. I am pleased to make my contribution on the penultimate sitting day of the spring sessional period before members on both sides disperse for their summer break. I take the opportunity in advance of wishing all honourable members a merry Christmas.

At the same time, Mr President, I acknowledge your continuing role as President of the Legislative Council and wish you all the best for your continued wise counsel and the manner in which you guide the deliberations of members in this important chamber.

I acknowledge the role of Sir James and Lady Gobbo and the work they both do around the state. All honourable members would agree that in Sir James Gobbo Victoria is well served. It is only two weeks since the Governor and members from both sides attended the President's dinner, so well presided over by you, Mr President. The President's dinner is a long-held tradition, one that I trust will continue for many years, as I trust that the upper house will continue for many years, despite the new government being keen for change. Whatever those changes might be, the bottom line is not only what members do in the chamber but what we do as representatives of our constituents. That is our most significant role and responsibility as members.

In speaking about the role of Sir James Gobbo as Governor, it is interesting to observe that between the general election on 18 September and the Governor's speech on 3 November, both he and Lady Gobbo attended an event at Torquay, which is in the lower house electorate of South Barwon and is encompassed by the upper house province of Geelong.

At the time Sir James was obviously considering what might well be a difficult time for him in assessing what Victoria's future would be after the election on 18 September — who might form government and take the state ahead for the following three or four years. Yet while he had that onerous task and responsibility in the back of his mind he was still moving about Victoria carrying out his duties as Governor.

The Governor was in Torquay for the opening of the redevelopment of Bell Street, which is opposite a caravan park and camping ground. For some years Bell Street traders have been keen to revitalise it. The streetscape was able to be improved through access to a number of state and federal government programs and the support of the local council. Sir James moved among the people in Torquay and it was a marvellous afternoon. A performance by a rock-and-roll band made up of students from the Torquay Primary School preceded the official opening. The band consisted of a couple of guitarists, a bass player, a drummer and three girls who sang out front. Their performance made me think about the educational opportunities afforded to young Victorians these days. It was a tremendous event to witness and I know Sir James and Lady Gobbo enjoyed the show.

Honourable members often hear about events that took place during the seven years under the Kennett government. Government members still like to fall back on claims of school and hospital closures and do not acknowledge the tremendous advances in capital works programs in schools, such as the building of new schools and the provision of new classrooms and other additions at existing schools.

Torquay Primary School has outgrown its current site and is about to be relocated to another site in Torquay. A new school site was identified following extensive planning and consultation processes and the previous government committed money to build a new school in Grossmans Road. Work on the $4 million project is expected to commence in the new year. The school is expected to have more than 700 students when it opens in 2001.

All honourable members, particularly those on this side of the house, would recognise through their experiences of recent years that the planning of a project such as a new school takes a lot of time and challenges often arise that require finetuning of and adjustments to the planning and budgetary processes. Both the Torquay community and the school council have done their best to fit in with the guidelines for the planning and building of a new school, but there is still a small area of difference between what has been committed to and what is really needed. I trust the new government will see fit to address the issue and make up the extra funding that is needed to build a school that will totally fit the requirements of the school community.

Although Torquay is just outside Geelong some people might seek to describe it as a rural or regional community. It certainly is not a metropolitan community. It was an interesting experience to be in Torquay when a project that had the support of the former state government was being opened by the Governor and the community was awaiting the construction of a new school. To some extent that one example gives the lie to the allegation of the new government that the previous Kennett government ignored regional and rural Victoria. The $300 000 revamp of Torquay's main street and the $4 million that has been committed for the construction of a new primary school were both initiatives of the previous government.

I pay tribute to Sir James for his work. While I am in the mood I also pay tribute to Mr Bill Hartigan, a former member for Geelong Province.

Opposition Members — Hear, hear!

Hon. I. J. COVER — Bill served his constituents well between 1992 and 1999. I was fortunate to be elected in 1996 and join him in this chamber as a member for Geelong Province. Honourable members on this side of the house are well aware of Bill's contribution, not only to Parliament but also to the people of Geelong and to Victoria's interests as a whole. When I was elected in 1996 it was tremendous to have Bill's wise counsel and guidance — not unlike your own, Mr President — and to share in his enthusiasm for all things to do with Geelong and Victoria.

During his term in this place Bill Hartigan was given a number of challenges to undertake by the former Premier. I also pay tribute to the Honourable Jeff Kennett for his outstanding leadership as Premier during the past seven years, and in particular during the three and a half years I served under him. He gave Bill the challenge of investigating the opportunities for adding value to Victoria's natural fibres and how people might be trained to undertake work that would result in such value adding.

It saddens me to know, on the evening of my contribution to the address-in-reply debate while I am paying tribute to Bill Hartigan and pointing out the outstanding and sterling service he gave to the establishment of the International Fibre Centre in Geelong, that earlier today in another place the Minister for Post Compulsory Education, Training and Employment sought to launch a damaging and misleading attack on the International Fibre Centre, also with a campus at Brunswick.

I want to take the opportunity during the debate to put matters on the record about the work of the Honourable Bill Hartigan in the establishment of the International Fibre Centre and to rebut the misleading statements by the new Minister for Post Compulsory Education, Training and Employment. The minister may have acknowledged her support for the fibre centre, but cutting something down is a strange way to show support.

The International Fibre Centre provides world-class training in research and development for the future of the nation's textile industries. For decades Australia produced wool: the wool was taken from the sheep, sent overseas, made into various garments and carpets and brought back to Australia, and the finished product was paid for. At the very heart of the establishment of the International Fibre Centre was the opportunity to train people and improve value adding in Australia without the wool being exported and coming back as a finished product.

Comments made today in the other place have the potential to harm the world-wide reputation for research and training excellence of the centre. It is particularly galling that a new government wanting to promote Victoria and support young people in their training takes this approach. The new government has indicated it will support regional and rural Victoria — the International Fibre Centre has been established in Geelong, a part of rural and regional Victoria. An attack is made on an institution — a piece of infrastructure development — that has been established in Geelong.

Claims by the minister that the previous government wasted millions of dollars on the institute are incorrect and insulting to the hundreds of students and Victorian woolgrowers, cotton growers and synthetic textile manufacturers who use the centre and supported its establishment. In partnership with industry, the previous government created the institute by building on the Melbourne Institute of Textiles, Brunswick campus, and agreeing to create a new campus in Geelong to cater for the needs of value adding.

Over one-third of the expenditure on the International Fibre Centre provided for the new buildings and equipment at the existing Brunswick campus where several hundred students have already benefited from the previous coalition government initiative.

Industry has strongly backed the fibre centre: millions of dollars of textile production-line equipment has been donated to both the Geelong and Brunswick campuses. This is an indication of the partnership between the

government and industry providing something of lasting value to the people of Victoria and Australia.

The industry leaders, who include the board of directors that presides over the International Fibre Centre, offered both expert advice and the use of their own production line personnel to assist in the training of institute students. The previous government responded to the requests of the industry, and when the government put the process in train, industry came on board.

It behoves the minister to stop running down Victoria's internationally recognised reputation in post-secondary training. She is not only scaring students away from embarking on technical and further education courses but also casting a cloud over our billion-dollar international education industry.

The people of Geelong and other regional communities and the fibre industry fully supported the previous government's commitment to beef up training to further develop the local wool and cotton industries while providing world-class education opportunities for young Australian and international students. The International Fibre Centre deserves better from the Bracks government than to be the butt of cheap political point-scoring, which clouds the future of those nationally significant industries.

I take the opportunity to acknowledge Bill Hartigan's contribution to this place as a member for Geelong Province. I was somewhat disappointed that the new member for Geelong Province did not acknowledge his contribution in her inaugural speech. It has been a convention of the house that new members acknowledge the contribution of members on both sides. In my inaugural speech in 1996 I made reference to the Honourable David Henshaw, who had preceded me as a Labor member for Geelong Province.

Hon. P. R. Hall — You are too much of a gentleman.

Hon. I. J. COVER — A comment the Honourable Bill Baxter made the other night comes to mind. He said he regards himself as a not uncharitable fellow, and I thought at the time I would put myself in the same category. I try not to be too uncharitable.

I make one other observation about the new member for Geelong Province. In the first week of the parliamentary sitting the house was discussing the extension of the natural gas pipeline to the north Bellarine Peninsula, during which specific reference was made to the townships of Portarlington, St Leonards and Indented Head. A close scrutiny of *Hansard* reveals that I referred to those three towns on more than one occasion. On another occasion, perhaps late at night after a long day, I inadvertently referred to Clifton Springs when I meant St Leonards. The new member for Geelong Province took the opportunity to pick me up on that precise point.

Hon. C. A. Furletti — As she is entitled to.

Hon. I. J. COVER — As she is entitled to. Perhaps it was her eagerness as a new member that led her to have a crack at me for not getting my facts right and for saying 'Clifton Springs' when I meant St Leonards. I hope the new member for Geelong Province will spend more time representing the people of Geelong Province and less time analysing *Hansard* in the hope of making nitpicking points about what I inadvertently said. The challenge not only for the new member for Geelong Province but for me, after three and a half years in this place, is to represent the people of Geelong Province in the manner in which Bill Hartigan did for seven years. That is as much as I will say on the topic.

Hon. M. M. Gould interjected.

Hon. I. J. COVER — I am being as charitable as I possibly can.

I also acknowledge the contributions made by those members from both sides who have left the Parliament since 18 September. I recall with great affection my first day in the house when, along with the other new members, I was sworn in. I remember walking around the table in the middle of the chamber and past the then opposition benches. Because I did not know who the people on the benches opposite were I was a little fearful of them. It took me only one question time to realise that that fear was largely unfounded. However, as I walked past the Honourable Pat Power, he said, 'Welcome to the madhouse', and I thought, 'There is an up-front guy who has a bit of a sense of humour and is quite personable'.

I miss Pat, and I think the new government does, too. I had many conversations with him, not only in the house but in the precincts of the Parliament — I almost used a much shorter word that starts with 'b', ends with 'r' and has an 'a' in the middle — about what it means to be a member of the upper house and to represent your constituents well. One night Pat Power said to me — I am not saying this to pump myself up but to emphasise the manner in which we should conduct ourselves in the house — 'I was at a function the other day and someone said they had seen you at another function and remarked on how pleased they were to see you there'. I said, 'Pat, it is lovely of you to pass that on. You don't

have to do that'. He said, 'I think it is important, regardless of what side of the house you come from, to tell other members of Parliament when they are acknowledged by their constituents for being out there talking to people and doing their job'. I miss Pat and all the other members who were on this side of the house.

I also pay a tribute to someone else who is no longer a member of Parliament. I refer to the Honourable Ann Henderson, the former member for Geelong in the other place and the former Minister for Housing and Minister responsible for Aboriginal Affairs. When I came into government in 1996 Ann Henderson also gave me much assistance and guidance. All honourable members know how well Ann represented Geelong and how well she carried out her duties as a minister. Most will be aware that she faced a number of challenges, not only as a member of Parliament but also in her own personal life. She was able to confront those challenges head on and still do her work in an outstanding manner. I am sure honourable members on both sides will be pleased to know that Mrs Henderson has taken up new employment. The new year will see her continue to work in Aboriginal affairs at the federal level. I wish her all the best in her endeavours.

All honourable members will know that at the September election Ann lost her seat by the narrowest margin of all the seats contested — 16 votes! When the last postal votes were being counted I went to visit her in her ministerial office. It was on the Friday afternoon preceding the Australian Football League Grand Final, the election having been held on a preliminary final day. We were all keen to see how the postal votes were going and whether she would get over the line. Her staff were shattered not only that she looked like losing her seat in Parliament but that they looked like losing someone with whom they had enjoyed working and to whom they had been loyal and committed because of the way she represented those for whom she was responsible as a minister. I was feeling sorry for Ann as well.

However, of all the people in her ministerial office late on that Friday afternoon before the grand final, Ann Henderson was the most stoic! She was walking among her staff saying, 'What are all the long faces about? Don't worry, keep your chins up!'. I thought at the time that if anyone should have been saying that, the rest of us should have been saying it to her. That was a clear indication of the manner in which she conducted herself as a member of Parliament and as a minister. I pay tribute to her for the work she did in Geelong.

While talking about Geelong, I will point out some of the challenges facing the new government. Honourable members have acknowledged that. The house has heard in contributions from members on this side of the house that the election commitments and promises made by the new government must be delivered. I issue a challenge to the new government: see that you deliver!

I cast my mind back to when I was elected in 1996. I shall quote from a document entitled 'Geelong: Victoria's Strategic Link', which formed part of *Policies for a Coalition Government*. It contains comprehensive accounts of the Kennett government's policies for Geelong from 1996. I shall not go through all the matters canvassed in the document, but shall refer just to the executive summary. I turn to that as part of the challenge to the government. Over the seven years the Kennett government was in power, and specifically in Geelong during my time and in my experience since 1996, it delivered on what it said it would do for Victoria. The challenge to the new government is also to deliver.

Page 6 of the executive summary of the Geelong policy lists 11 items. That is not the sum total — there are plenty more than that — but I shall just quote the executive summary briefly. It states:

> In a second term, the Liberal–National coalition government will:
>
> > In the event all three government members who are up for re-election in the Geelong region on March 30 are returned to Parliament, appoint a Geelong MP to cabinet, with the Premier retaining an ongoing interest in Geelong's future.

I can say on that one — delivered! I have just been talking about the member of Parliament who was appointed to cabinet — Ann Henderson. With the election of the minority Labor government, there are now three members representing the Geelong area. Is one of them a minister? No. One of them, who I think fully expected to be a minister and who has served since 1992, stepped down for personal reasons. I used to work in journalism, and I know that 'stepped down for personal reasons' means 'didn't have the numbers', but that is another matter.

It would be nice if the minority Labor government, if it were fair dinkum about supporting regional and rural Victoria, made one of the three Geelong MPs a cabinet minister to support the regional area of Geelong. But, no, that need has been ignored. The newspapers were full of it in Geelong, saying how the representation in the cabinet room was not the same as it had been under the Kennett government.

Hon. C. A. Furletti — They do not have one from anywhere in country Victoria, except for Cameron — but he's useless.

Hon. I. J. COVER — I won't pick up the interjection. The executive summary also states:

> Subject to the outcome of the feasibility study being undertaken by the Hartigan committee, establish the natural fibres institute in Geelong —

which is now the International Fibre Centre —

> with the objective of spearheading the development of a major natural fibre processing and textile industry in Australia.

Despite what has been said in the other house today, that has been delivered. The summary continues:

> Ensure the $250 million Steampacket Place project becomes a reality, through funding assistance and cooperation with the City of Greater Geelong and private sector participants.

Delivered!

Hon. R. F. Smith interjected.

Hon. I. J. COVER — I have just heard Bob Smith saying, 'We're out of here'. I think a lot of people wish he would take his own advice. The summary continues:

> Seek commonwealth funds as a priority for the construction of a third lane in both directions on the Princes Highway between Geelong and Melbourne at a cost of $200 million.

In the May budget of this year, the former government allocated $118.5 million, which has been matched by the federal government. So that has been delivered! The executive summary also states:

> Facilitate a $20 million redevelopment of Geelong Hospital —

it ended up being $30 million —

> and build a new community health centre.

In fact, two new community health centres are earmarked, one in Newcomb and one in Belmont. The Belmont one may still have a question mark over it, and the challenge is there for the Labor government to deliver on that. However, in regard to our commitment to Geelong Hospital, it has been delivered. The summary continues:

> Build a new railway station at North Shore at a cost of $400 000 to serve passengers using the interstate standard gauge line.

Delivered!

> Proceed with stage 2 of the new school building for Bellarine Secondary College at a cost of $3.092 million over the next two years.

It has ended up costing $10 million, and it has been delivered. It was a great pleasure to be at the opening with the Honourable Jeff Kennett as Premier of Victoria. However, on the day that the Premier was there to open a brand-new $10-million school building a small group went on strike — and they held up placards saying 'More funding for Victorian schools'. I would have thought $10 million for a new school was a fair bit of new funding.

Hon. R. F. Smith — There you go, it wasn't enough.

Hon. I. J. COVER — There's the challenge for you and the new government to find even more. You deliver a few new schools, Mr Smith!

I return to the executive summary:

> Build stage 2 of a manufacturing industry training centre at the Gordon Institute of TAFE at a cost of $4.5 million over the next three years.

Delivered! In fact, I think we spent $25 million. It continues:

> Provide substantial further assistance through the state's industry and regional development programs for industry development and employment generation in the Geelong region.

I could name among them such enterprises as Riverside Textiles and Pilkingtons. That also has been delivered. The summary also states:

> Investigate the potential for Avalon Airport to play an increasing role as an international air freight terminal with storage facilities for fresh food and cut flowers destined for Asian markets.

Not only has that been delivered, but additional developments at Avalon have seen Qantas, after strenuous and fruitful negotiations with the former government and the Minister for Industry, Science and Technology of the day, Mark Birrell, refit its entire jumbo jet fleet, and it is now providing maintenance work at Avalon. Honourable members who were here on Tuesday, 1 June will recall the Honourable Mark Birrell telling the house about a front-page article in the *Geelong Advertiser* headed '900 Jobs Coup' and the $30 million Qantas investment being made at Avalon which was dubbed the most significant since Ford opened in Geelong.

The last of the list in the executive summary — the last of just these few that have been delivered — is the following:

> Deepen shipping channels at a cost of approximately $35 million to ensure the port of Geelong is able to continue reducing user costs and build its trade throughput.

Delivered! Mr Craige, as the then Minister for Roads and Ports, was at the forefront of that delivery. I must say that the port of Geelong has experienced yet another record year of activity. So the Kennett government, of which I was proud to be a part for just three and a half years, provided great impetus, not only to the state but particularly to Geelong, and made great achievements in all areas of employment, economic growth, manufacturing and export, and building construction.

The value of new building approvals as of 1999 in Victoria is double 1992 values, supported by high levels of private capital expenditure. I am pleased to inform the house that I made my contribution to that value of building construction by building a brand-new house and buying my materials locally and employing local labour in the Geelong area that I represent.

Hon. P. R. Hall — How much did it cost you?

Hon. I. J. COVER — That is a matter for the Public Accounts and Estimates Committee, Mr Hall!

Hon. T. C. Theophanous — Did you have trouble with the builder?

Hon. I. J. COVER — I had no trouble with the builder because one of the builders was my brother.

Hon. M. R. Thomson — Can we have his name and contact number?

Hon. I. J. COVER — You certainly can. I can supply — —

An Honourable Member — Family rates, was it?

Hon. I. J. COVER — Some people say, 'Never get your family to build your house', but on that occasion it worked out well because I have a good family background. That is something honourable members on both sides of the house should endeavour to pursue.

I mentioned earlier that employment improved during the seven years of coalition government and I will now give a specific example of how that affected Geelong. The front page of the *Geelong Advertiser* of 22 October is headed 'Jobless Hits Nine Year Low'. The subheading is 'Hope: Region Better Than State Average'. The article by David Saunderson states that Geelong's official unemployment rate has dropped to a nine-year low. It states the figure was almost half the unemployment rate of the same month two years ago and that the 7 per cent rate was a remarkable achievement, confirming the strong growth now taking place in the Geelong economy.

The challenge for the new government is to continue the strong growth and to provide good government in Victoria. I am not holding my breath.

The Governor's speech was delivered in this chamber on 3 November. Although that seems a long time ago it has been only a few short weeks, yet it has been long enough for the new government to break a few promises. Some of those broken promises were outlined by previous speakers. They included the promised capping of class sizes that took on a new life as averaging, and the promise that transparency and accountability would be hallmarks of the new government. The opposition debated the latter issue last week when it proposed the level of accountability it considered should be built into the Regional Infrastructure Development Bill.

I conclude by referring directly to the Governor's speech. Page 1 deals with promoting open and accountable government and the government facing a challenge in honouring what the Governor said on its behalf. At page 3 the speech states:

> The new government is committed to restoring public confidence through a new era of openness and accountability.

Three paragraphs further on it states:

> The government believes that Victorians are citizens … and deserve accountability …

Hon. R. F. Smith — Delivered.

Hon. I. J. COVER — I did not see it delivered in the Regional Infrastructure Development Fund Bill, Mr Smith.

Hon. S. M. Nguyen — It is coming next year.

Hon. I. J. COVER — Mr Nguyen interjects and says it is coming next year. Obviously accountability will not take place between the formation of the new government and the start of the new year — there will be a period of no accountability. At page 12 the speech states:

> The government believes … the values of honour and openness …

I look forward to seeing the new government displaying plenty of openness and accountability and delivering on its election promises, as the Kennett government delivered on its promises between 1992 and 1999. I also look forward to continuing to represent the people of Geelong Province to the best of my abilities.

Debate adjourned on motion of Hon. C. A. FURLETTI (Templestowe).

Debate adjourned until next day.

PERSONAL EXPLANATION

Hon. C. C. BROAD (Minister for Energy and Resources) — I desire to make a personal explanation. Earlier today in question time the Honourable Philip Davis raised the issue of the position of the Mining Warden. In response I indicated I had no intention of changing the nature of the position.

I now wish to advise the house that the statement I made was not accurate and I wish to take this opportunity to correct the record. I am advised that I have authorised an advertisement for the position of Mining Warden on a three-day-a-week basis with allowance to increase hours if required.

I apologise to the house for my inaccurate answer. I thank the house for its indulgence.

FREEDOM OF INFORMATION (MISCELLANEOUS AMENDMENTS) BILL

Second reading

Debate resumed from 8 December; motion of Hon. M. R. THOMSON (Minister for Small Business).

Hon. C. A. FURLETTI (Templestowe) — I must admit I was taken aback by the personal explanation of the Minister for Energy and Resources.

I am pleased to support the Freedom of Information (Miscellaneous Amendments) Bill. In doing so I indicate that the Freedom of Information Act has remained substantially intact since it was introduced by the Labor government in 1982 after a considerable amount of work and effort had been put into freedom of information (FOI) by the Thompson government. Although that government introduced legislation shortly before its defeat, it was never debated.

The current Freedom of Information Act was passed in 1982 with bipartisan support and since that date has been the legislation pursuant to which freedom of information material has been able to be obtained in this state. It was the first legislation of its kind in Australia; even in those days Victoria was leading the way in the area.

The history of freedom of information legislation is that it followed a tortuous path from the early days. It is understandable that governments have been reticent to release information on particular matters, but with the passage of time people have realised that information is a significant element of the community's assets and that the various areas of information provide a wealth of opportunity for individuals to access many different aspects of life.

Information was sought for a myriad reasons, including personal information. Honourable members will be aware that personal information retained by government departments and agencies is held in databases and the advent of new technology has meant a greater volume of information can be retained. In the view of many, individuals should as of right be able to access the information held about them by any agency for the purposes of, firstly, simply being aware of what is in existence, and secondly, of updating or correcting it, if necessary.

The availability of information enables citizens to glean the wealth that possession of that information provides. Notwithstanding the conflict and the varying views on accessibility of information held in the public domain, it is important that it be available in some form. Governments around the world have various levels of openness in terms of the availability and access by individuals to that information. The debate on the availability of information has continued in this country for many years. For example, not long ago during the privatisation process of our electricity industry the documentation was not available in this country because of commercial confidentiality. However, an American corporation involved in the privatisation process had the documentation available on its web site because United States law requires that any arrangements of government contracts be disclosed, notwithstanding those contracts were with overseas governments.

I have no difficulty with any of that. In response to the Independents charter on this point the Kennett government had agreed to put all contracts on the Internet. The issue is a question of timing, specifically with commercial arrangements and contracts. As a lawyer my experience is that if a government contracts with an independent entity, a third party, on a particular basis which includes confidentiality, the disclosure of details of that arrangement, information that has been

provided on the basis of confidentiality, would be totally improper.

Notwithstanding the argument from the other side of the house which suggests everything should be available, particularly when it is Labor members who are chasing it, contractual arrangements would come to a grinding halt if organisations and business entities that were dealing with government could not be assured that the material they were providing was protected in some way. However, a different light is put on the information if at the time of entering the contract it was disclosed which information would be made available and which information would be protected by confidentiality, and appropriately so.

No organisation would object to negotiating arrangements and contracts with another person, government agency or otherwise, knowing that certain parts of the material would be available for disclosure, but also with the knowledge that other aspects would not. Timing the release of certain parts of information is significant.

The elements of freedom of information were first debated in 1982 and the issues really have not changed all that much. In fact they are almost identical. In 1982 the former member for Prahran in the other place, Mr Robert Miller, is reported as saying in the second-reading debate that the bill was one of the most important human rights bills to come before the Parliament in its 126-year history. I suspect he should be agreed with, because the theory of freedom of information has, as was debated at the time, three basic principles. Those three principles are still relevant.

The first principle is the fundamental right of the individual to know what information governments and agencies hold about him or her, and the fundamental right to update that information and correct any inaccuracies or mistakes. That is essential and, as I indicated, with the volume of information that is easily held these days and the transmissibility of that information, it is vital and an individual's basic and fundamental right to ensure that information is correct. I doubt very much that anybody would disagree with that concept.

The second principle introduces the accountability of government. We have been hearing the words, phrases and principles over the past three or four months of openness, transparency and scrutiny. They are relevant to this debate. The government regularly uses those words. Information should be available to substantiate the government's claims and the government's accountability in the area.

The third principle involves people in government making governments more open and accessible. The availability of information allows the making of better and more informed decisions.

At the end of the day, the release of information or the withholding of information or legislation relating to exemptions that are to be introduced comes down to a balance between public interest and individual privacy. The debate that took place in 1982 has not changed today. The bill is a part of that ongoing consideration of the balance that needs to be found. It is up to Parliament to determine where that line should be drawn between the balance of public interest and the privacy of the individual.

It is obvious that the position of that line will change over time with different aspects and values. I intend to return to the act to analyse how it has changed and why the bill is before us today. Before doing that, I will quote the late Mr Morrie Williams, the former member for Doncaster in another place, who also contributed to the debate in 1982.

Hon. W. R. Baxter — A fine member.

Hon. C. A. FURLETTI — He was a fine member. He obviously had the same bent that his successor has, in that Mr Williams, who we know was a character in his own right, was keen for the Minister of Health in those days to have the index of the health commissioner on computer. He wanted to have the index on computer so it would facilitate his access to information. The nickname of the late Morrie Williams was The Freedom of Information Manager. His successor, Mr Victor Perton, the current member for Doncaster, is a staunch advocate of technology and freedom of information and is one of the leaders in that area. I am pleased to put on record the ongoing avant-garde representation of the electorate of Doncaster.

To a certain extent I regret that the house is debating the bill now, because earlier today I had the pleasure of contributing to the debate on the Public Prosecutions (Amendment) Bill, which was subsequently passed by this place. During that debate I suggested that the government was attempting a legislative illusion made up of smoke and mirrors. After all the hullabaloo and rhetoric expounded in its pre-election policies, the government has presented very little to Parliament. I regret that I could not repeat that comment another day. I reiterate what I said less than 4 hours ago: the government will be found out for the con it is attempting to perpetrate on the Victorian public.

The legislation that has been passed — in particular, the Audit (Amendment) Act, the Local Government (Best Value Principles) Act, the Public Prosecutions (Amendment) Act — and the Freedom of Information (Miscellaneous Amendments) Bill concern areas about which the government made great play, promising to do substantial things.

Hon. M. R. Thomson — And has!

Hon. C. A. FURLETTI — I am happy to direct to the attention of the Minister for Small Business how the government has done it, because the changes have not been substantial.

I refer to just some of the terms that have been used. The second-reading speech includes the term to 'rebuild the Freedom of Information Act'. It is a direct quote from the Independents charter, which sought a rebuilding of the FOI legislation. I would not have them rebuild my house if the bill represents their idea of rebuilding legislation! As I said in the debate on the Public Prosecutions (Amendment) Bill, it is just rhetoric and more rhetoric. I will come to the detail in a moment.

The Bracks government agreed to address the requests in the Independents charter, which included reducing the restrictions on access to documents on the ground of cabinet confidentiality and removing other restrictions on the ground of commercial confidentiality. I will enjoy addressing that matter. The former Kennett government wholeheartedly agreed to the request to make contracts and other agreements accessible on the Internet, so removing the need to resort to FOI. The government also agreed to remove a general obstruction to accessing documents by capping excessive costs. I will address each of those relatively simple matters.

As part of the supposed rebuilding of the freedom of information legislation, the so-called openness of cabinet documents is referred to in clause 5, which inserts proposed new section 28(1)(b) in the principal act. Proposed new paragraph (d) provides that a document is exempt if it is:

> a document that has been prepared by a Minister or on his or her behalf or by an agency for the purpose of submission for consideration by the Cabinet or a document which has been considered by the Cabinet and which is related to issues that are or have been before the Cabinet.

The amendment proposes that the section will remain unchanged up to the words 'considered by the cabinet'. That is important to point out, because the amendment is part of a smoke-and-mirrors trick. Instead of the government saying that it is deleting part of the existing section, it says that it is replacing an existing section with a proposed new section, which applies to anything prepared, irrespective of whether it has been considered by the cabinet. The government is trying to pull the wool over the eyes of Victorians by amending legislation cosmetically.

Apart from the process being deceptive, treacherous and dishonest — I am happy to put that on the record — the amendment will achieve absolutely nothing. The main changes to the cabinet confidentiality provisions is purely cosmetic, because it will be very easy for the government to exempt a document by including it in the cabinet-in-confidence category.

Clause 6 deals with documents affecting personal privacy. I advise the house that the opposition discussed some amendments with the Independents with a view to seeking their support. The bill presented to the other place is substantially different from the bill presented to this house. Clause 6 will insert proposed section 33(2A), which provides in part that when deciding whether to disclose a document:

> An agency or Minister … must take into account —

certain matters. The bill presented in the other place provided that the word 'must' should be 'may' — that is, 'may take into account' whether disclosure would be likely to endanger.

I was a member of a committee that considered that matter and suggested that the word 'must' would be more effective because it would impose on the minister and the agency a mandatory obligation to consider the effects of disclosure. Lo and behold, it came to the house in a different form!

Proposed section 33(2A), inserted by clause 6, is far too narrow in requiring details of disclosure of information of personal affairs of any person. The opposition believes that should be extended to provide not only for the endangering of the life or physical safety of any person — I will explain why those words were introduced — but should include detriment relating to financial issues, family relationships and a number of other elements that could arise as a result of releasing information about a person.

As I said earlier in another debate, this type of legislation — it is peculiar legislation — affects the lives of people. There is a balance between individual rights and the public interest. The line should be drawn in favour of the individual. I will refer shortly to the significance of the nexus between proposed

subsection (2A) and subsequent sections that are to be repealed.

The substitution of section 33(9) of the principal act by proposed new subsection 33(5) is significant, because the purpose of the bill is primarily to repeal part IIIA of the principal act — that provision which was introduced after the Coulston affair when a convicted murderer sought through freedom of information details of 51 nurses at the Frankston Hospital and after a series of legal procedures obtained that information without the nurses' knowledge.

In an effort to ensure that would not occur again part IIIA was introduced. It provided that personal information of an individual that included addresses, locations or other information that would identify the address and location of the person easily was not to be disclosed. The opposition believes a line in the sand should be drawn in favour of the protection of the individual who stands to suffer, not necessarily loss of life or some fear to his or her personal safety, but certainly through some concern or degree of trauma or apprehension about the purpose of the release of information. There is no argument about that.

The bill has a change of emphasis in that the provision being repealed refers to personal information, which is defined to mean information that identifies any person or discloses his or her address or location. The provisions of proposed new section 33(9) are identical with those of section 27A of the principal act, save that it includes 'information relating to the personal affairs of any person'. Again we can see that this is smoke and mirrors. Provisions are transposed from the act to the amending bill, but the government says it is making dramatic changes to the freedom of information legislation.

It gets better. I put on the record the dramatic changes the government is making to the Freedom of Information Act. The government promised the people of Victoria that it would rebuild the freedom of information legislation. I refer specifically to clause 7, which deals with commercial confidentiality. That was an issue of great debate, particularly regarding the release of Crown Casino tender documents that were supposedly going to bring down the then government. That government was brought down through the dishonesty of the then opposition. When the casino documents were released they made news for just one day and then disappeared. All those hundreds of thousands of words spoken about freedom of information and the release of the casino tender documents have come to nothing. It goes to show how freedom of information can be abused. It is a classic example of abuse of the system. The Labor Party has abused the legislation to the extent that it is now not worth the paper it is written on.

I return to the issue of commercial confidentiality. Proposed new section 34(1), inserted by clause 7, states:

> A document is an exempt document if its disclosure under this Act would disclose information acquired by an agency or a Minister from a business, commercial or financial undertaking and the information relates to —
>
> (a) trade secrets; or
>
> (b) other matters of a business, commercial or financial nature and the disclosure of the information would be likely to expose the undertaking unreasonably to disadvantage.".

Proposed new subsections (2), (3) and (4) insert the word 'unreasonably'. Section 34(1) of the principal act relates to documents relating to trade secrets and states:

> A document is an exempt document if its disclosure under this Act would disclose information acquired by an agency or a Minister from a business, commercial or financial undertaking, and —
>
> (a) the information relates to trade secrets or other matters of a business, commercial or financial nature; or
>
> (b) the disclosure of the information under this Act would be likely to expose the undertaking to disadvantage.

I am glad the minister is not listening because it would embarrass her enormously to know that there are two changes. The first is the word 'unreasonably' which has been inserted before 'to disadvantage' and the other is the transposing of words in proposed subsections (a) and (b) so that the same words are in both the section and the amending bill, and they have exactly the same meaning. This is rebuilding the Freedom of Information Act! It is nonsense.

Hon. Jenny Mikakos interjected.

Hon. C. A. FURLETTI — I will anxiously wait to hear your explanation of the difference.

Proposed section 65AB requires the minister to advise Parliament of the reasons for his or her applying for leave to appeal a decision of the Victorian Civil and Administrative Tribunal (VCAT) on a question of law.

After examining the bill presented in the other place the opposition was concerned that because subsection 2(b) of proposed section 65AB requires the minister to lay before each house a statement of his or her reasons for appealing on or before the seventh sitting day on which the summons for leave to appeal is filed, there could be

serious gaps in time between the application for leave and the reasons being tabled, depending on when Parliament sat. Again, it was suggested to the Independents that they might agree to the minister's application for leave to appeal being published in the *Government Gazette*. Without acknowledging the opposition's contribution to improving the legislation, the government moved a house amendment to insert proposed section 65AB(2)(a) — the amendment proposed by the opposition.

Notwithstanding the insertion by clause 6 of proposed section 33(2A) the opposition was concerned about the lack of a mechanism to enable persons affected by the release of information to redress the situation. Part IIIA of the principal act allows an applicant to appeal to VCAT if an application for information is refused and he or she feels aggrieved. To my mind that is a fair process because it enables a person who feels that the release of personal information is an essential part of his or her inquiry to appeal to VCAT for the documents to be released. I hesitate to repeat that the bill is about balancing the public interest and the interests of the private individual.

It is recognised that an individual should have the right to protect his or her personal safety. Proposed section 53A was not in the bill when it was introduced into the lower house but was later included by a house amendment. The proposed section provides — this is a flaw I am sure honourable members will subsequently debate — that if the applicant appeals in the event of an agency refusing to grant access to a document, the person whose information is the subject of the application has the right to intervene to support the refusal of access. That proposed section needs to be read with clause 12, which amends schedule 1 of the Victorian Civil and Administrative Tribunal Act. I applaud the fact that there is some element of protection for the individual and that it impinges only marginally on the public interest.

Finally, the last dramatic change to the Freedom of Information Act as part of the package Labor promised before the election is the removal of the $170 appeal fee. The removal applies only to appeals against deemed refusals. It is important that honourable members be aware that a deemed refusal is a refusal because information was not provided by the agency or department within the time specified in the act. What has the government done? If a department does not provide the information within the time frame specified it will allow a person or organisation to appeal free of charge. That is absolutely dismal, and I reaffirm my earlier comments about the government's conduct. Legislation that was supposed to be innovative, reformative and restorative is an illusion — nothing but smoke and mirrors.

I repeat my comments about the Public Prosecutions (Amendment) Bill. Given the size and substance of the Freedom of Information Act, which has been of great value to the Victorian public during the past 17 years, these minor amendments demonstrate the inadequacy and incompetence of the mob on the other side and its incapacity to govern Victoria. Having said that, I commend the bill to the house.

Hon. JENNY MIKAKOS (Jika Jika) — It is with great pleasure that I rise to speak in support of the Freedom of Information (Miscellaneous Amendments) Bill. It seeks to implement the pre-election commitment of the Bracks Labor government to restore accountability and openness in government. Under the previous government Victoria had become a secret state. The former Auditor-General accurately referred to the previous Premier's changes to the principal act as the Concealment of Information Act. The bill also seeks to implement the government's commitment under the Independents charter.

The bill has been introduced after extensive consultation with the Federation of Community Legal Centres, the Law Institute of Victoria, the Victorian Bar Council, the Victorian Aboriginal Legal Service and Liberty Victoria. I understand it has the support of all those organisations. I am sure it also has the support of the Victorian community in general.

Mr Furletti seemed to forget that the Freedom of Information Act was introduced in 1982 by the Cain Labor government. The house heard an interesting rewriting of history from him, but I remind honourable members that the legislation is based on the good foundation established by the Cain Labor government. Unfortunately the previous coalition government made a number of changes to the legislation in 1993. Those changes have been the subject of widespread criticism, and I will outline some of them for the record. In 1993 the previous government introduced a $20 application fee, when prior to that there was none.

Hon. C. A. Furletti — What has that got to do with secrecy?

Hon. JENNY MIKAKOS — It has a lot to do with secrecy. In addition, the Kennett government removed both the previous $100 ceiling on the cost of processing requests and the exemption for members of Parliament. It also required a $170 fee for deemed refusals. I note that Mr Furletti thought the change on that was dismal. I find it amazing that he supports a position where

members of the public who do not have their freedom of information (FOI) applications dealt with promptly by a government department are required to pay a $170 fee for that lack of action.

Hon. C. A. Furletti — I said you should have applied it; you did not understand me. Read *Hansard.*

Hon. JENNY MIKAKOS — Apart from that, the previous government also increased appeal costs to the $170 fee. The Bracks Labor government has made a commitment to cap the costs of applications and appeals for the term of this Parliament, which is in accordance with the government's commitment to openness and accountability.

Hon. C. A. Furletti — Give us some substance!

Hon. JENNY MIKAKOS — The issue of costs is very important to the issue of accountability.

The amendments in the bill will come into effect on 1 January 2000. The transitional provisions are set out in clause 10. They are extensive and I do not propose to go through them other than to note that all current applications before departments or before the Victorian Civil and Administrative Tribunal (VCAT) will be dealt with under the provisions of the new legislation if they have not been finalised to date. I welcome that provision.

The main provisions of the bill seek to implement the government's pre-election commitments and its commitments under the Independents charter. Some of those commitments relate to access to the personal information of individuals. Clause 4 repeals part IIIA of the principal act, which required an applicant to apply to VCAT to claim access to information that identified any person's identity, address or location. Currently the act does not give an agency or department any discretion to release information that comes within the term 'personal information' as defined in section 27A. Clause 4 will ensure that subject to an amendment to section 33 of the act a department or agency will have an ability to release personal information provided it does not impact on a person's safety. Clause 4 links in with the amendments in clause 6 and in clauses 8 to 12. I will deal with those clauses together.

Clause 6(2) substitutes section 33(9), which seeks to insert a definition of personal information which, as pointed out by Mr Furletti, resembles that contained in section 27A of the principal act. Section 33(1) of the current act provides that:

> A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person).

Section 33(2) makes it clear that that does not apply where the information relates to a person's own personal affairs. The effect of clause 6(1) of the bill is to insert a new subsection 33(2A) which will give an agency or a department the discretion — and by implication the Victorian Civil and Administrative Tribunal will have the discretion if matters go to appeal — to refuse access to personal information where the information would, or would be reasonably likely to, endanger the life or physical safety of any person.

In recent VCAT decisions that section has been broadly interpreted — a matter that concerns Mr Furletti. The departments concerned will have to apply the current VCAT interpretation of 'danger' and take an approach where physical harm — a far broader concept than physical danger — has been taken to be the relevant test. The proposed new section will deal more effectively with situations such as those that arose in the Coulston case, which was the pretext given by the previous government for introducing the current provisions in part IIIA.

Clause 8 inserts a new section 53A which relates to notice requirements where an applicant seeks a review of personal information. It requires an agency or a department refusing access to a document to as soon as practicable give written notice to the person to whom the information relates. That person will then have a right to intervene in the VCAT proceedings. If the person chooses not to intervene, the agency or department will be required to give notice of the order when it is made to the person. The clause goes on to require that an order not take effect until 28 days have expired from the day on which the order was made.

Clause 12 gives a person to whom personal information relates the right to intervene in a review before VCAT by amending the schedule to the Victorian Civil and Administrative Tribunal Act.

The other key plank of the bill which enforces the government pre-election commitment is contained in clause 5, relating to cabinet documents. Under the previous government it was common practice to attach documents to cabinet submissions as a way of creating an artificial exemption under the freedom of information legislation, so the clause is important.

Clause 5 seeks to insert proposed new paragraph (b) in section 28(1) of the Freedom of Information Act, thereby deleting the words at the end of existing paragraph (b), which are:

> … or a document which has been considered by the Cabinet and which is related to issues that are or have been before the Cabinet.

Those words mean that any document that relates to issues before the cabinet, which may or may not be pertinent to a submission being considered by cabinet, is automatically granted exemption under the act. The amendment seeks to ensure that attachments to cabinet documents will not be automatically exempt under the Freedom of Information Act unless they have the formal status of being part of a cabinet submission. That amendment removes the artificial device used by the previous government.

The other key plank of the bill that relates to the government's election commitment is contained in clause 7, which is about commercial confidentiality. Another of the previous government's favourite devices was to exempt documents on the basis that they were commercial in confidence. It appears that virtually everything undertaken by the previous government was commercial in confidence. Clause 7 will amend section 34 of the act by exempting information pertaining to trade secrets or matters of a business, commercial or financial nature where the disclosure of that information would be likely to unreasonably expose a business, commercial or financial undertaking to disadvantage.

The key difference is that under the existing section information could have been exempted if it related either to trade secrets or to matters that could have been regarded as in some way disadvantaging a business undertaking. Under the proposed amendments it will be necessary for a department to demonstrate that an undertaking will be unreasonably disadvantaged prior to the application for the release of the documents being refused.

Hon. Bill Forwood — What is the difference between what it was before and what it is now? There is none! You're the lawyer!

Hon. JENNY MIKAKOS — For your benefit, Mr Forwood, the key difference is that previously the information would have been denied whether or not the disclosure would have been likely to expose an undertaking to disadvantage. Under the proposed amendments a department will have to demonstrate that the information will unreasonably disadvantage a business, commercial or financial undertaking. That is a major difference, which I will explain to you later if you still do not understand it.

Hon. Bill Forwood — I understand it. Don't worry about that!

Hon. C. A. Furletti interjected.

The DEPUTY PRESIDENT — Order! The honourable member will direct her remarks through the Chair.

Hon. JENNY MIKAKOS — The other key aspect of the bill relates to clause 9, which inserts proposed section 65AB. The amendment requires the minister to report to Parliament when he or she seeks leave to appeal on a matter.

Hon. C. A. Furletti — Do us a favour. Just summarise it!

Hon. JENNY MIKAKOS — I wish you had. We would have finished about 25 minutes ago.

Proposed section 65AB requires a minister who is seeking leave to appeal to the Victorian Civil and Administrative Tribunal to make:

> a brief statement of the reason or reasons for seeking leave to appeal —
>
> (a) to be published in the Government Gazette within 10 days after the day on which the summons for leave to appeal is filed with the court; and
>
> (b) to be laid before each House of Parliament on or before the 7th sitting day of that House after the day on which the summons for leave to appeal is filed with the court.

The proposed section is significant because it will require ministers to be accountable for their reasons for seeking leave to appeal against FOI applications which have succeeded and which a government may not be happy about. The government is obviously committed to accountability, whether or not that may result in information adverse to it being released. It is prepared to stand on its record and allow that information to be accessed by members of the public, which is something the previous government was not prepared to do.

The final key aspect is clause 11, which relates to the removal of the $170 application fee for reviews of deemed refusals under section 53. As I said earlier, the issue of reduced costs is significant in ensuring that governments are open and accountable. Applicants making applications under the FOI legislation should not be penalised financially because a government department or agency does not respond to their applications within the statutory period. The clause will remove that $170 fee.

This is one of the most important bills to come before Parliament in this sitting period. It clearly demonstrates the Bracks Labor government's commitment to openness and accountability. It also demonstrates that

the government is prepared to stand on its record and allow members of the public access to information, whether or not it is in the government's favour. I am certain that for that reason the Victorian community will support the proposed legislation and commend the government for having the courage to introduce it.

Hon. J. W. G. ROSS (Higinbotham) — I also support the Freedom of Information (Miscellaneous Amendments) Bill. There are three factors that are material to the opposition's support for the bill. Firstly, the opposition does not deny that the amendments were a significant element in Labor's platform at the September election. Secondly, the opposition recognises the reality of the pledges that were made following the discussions between Labor and the Independents. Thirdly, it recognises that the bill has been significantly improved by the opposition amendments in the other house. The opposition's support of the bill is based on each of those factors.

According to the minister's second-reading speech the bill purports to promote open and accountable government in response to the Independents charter. Nothing could be further from the truth. As my colleague the Honourable Carlo Furletti has already said, the opposition's response to the Independents charter was far more innovative and would have made information far more accessible than the government's bill will make it. The bill has been hastily cobbled together, and while it purports to provide information to the community with one hand it takes it away with the other.

The bill is the seal on the myth which has been fed to the Victorian community and which the Honourable Jenny Mikakos attempted to promulgate again this evening that in some way the Kennett government operated a secret state. Nothing could be further from the truth. The fact is that the collective mind of the Kennett government was to have free and open access to information.

The Honourable Jenny Mikakos commented on the words used by my colleague Mr Furletti — I am certain she misunderstood them — and suggested the Cain government introduced the legislation in 1982. No-one has denied that. But it should also be noted that it was the Fraser government between 1978 and 1982 that enacted the first Freedom of Information Act in this country, and it was the significant effort of the Honourable Haddon Storey, as a member of the Thompson government, that really paved the way for the introduction of the legislation by the Cain government in 1982. In fact the legislation was sitting in the locker, ready for a new government to simply pick up, as we have witnessed occurring through this session of Parliament.

We are now seeing the final chapter in a scenario orchestrated by the Labor Party and the widespread distribution over the past seven and a half years of misinformation about the motives of the Kennett government. Now, having set up that straw man, the obfuscation and the real motives of the new Labor government are revealed. Its members have peddled misinformation for the entire duration of the Kennett government. It was Labor propaganda, propagated on a grand scale, with a cynical eye on future ballot boxes.

Even John Thwaites was prepared to admit in the *Age* of 23 January this year that from the first flush of the Kennett government Labor adopted a scatter-gun approach to freedom of information (FOI), lodging hundreds of requests for documents in the hope of embarrassing the then coalition government. When Labor was last in government, it is a matter of public record that subversion of the intent of the FOI legislation occurred — and there was a celebrated instance when the former Labor Premier promulgated regulations that were later shown in the High Court to be illegal.

The problem is endemic to Labor, and not just in this state. I refer the house to an article in the *Australian* of 18 August, which discusses Queensland amendments to the freedom of information law by the former Goss government which made it possible for cabinet to hide from public scrutiny any document, including bus tickets if it so chose. That makes Queensland, where there is only one house of Parliament — and that has significance in another context — potentially more secretive than any other state.

There is a long history of Labor attempting to obviate the provisions of FOI legislation. The double standards that Labor has presented are simply mind-boggling. Having trawled the data included in the credit accounts of senior ministers, public servants and non-government agencies, with trivial effect, the first action of the Bracks government was to say it would not use credit cards. Of course, credit cards provide a chain of accountability, and make it possible for transactions to be audited and traced. So, having made a commitment to open government, Labor has eliminated the very issues on which it worked so assiduously in opposition.

Attempts to extol the principles of democracy have been made in the second-reading speech, but the truth is that the bill does nothing to enhance the freedom of people to obtain information about themselves. It is

simply a blatant political exercise and misrepresents the motives of the previous government. Has the Labor government brought this legislation into the house with any true motives for reform? The answer must be no. Let us deal with just a couple of those issues. The first is the question of personal privacy.

Nothing in this bill enhances the ability of individuals to obtain information about themselves. A number of acts have what are so-called secrecy provisions in this state. The December 1996 issue of the *Law Institute Journal* discusses the provisions of the Health Services Act, the Accident Compensation Act, the Transport Accident Act and the legislation attaching to the Victorian Workcover Authority. All those acts have secrecy provisions, and not one of them has been addressed by the so-called new and reforming government in respect of FOI. Indeed, in 1996 the Supreme Court ordered hospitals to produce confidential medical information in a particular context. So this bill is certainly far from anything like groundbreaking legislation.

It also gives the lie to the argument that the government is genuinely interested in this area. It is not as though this matter was unknown. Indeed, it should have been known by the government. The Senate Community Affairs Reference Committee report tabled on 26 June 1997 said there was an urgent need for legislation to ensure that patients have the right of access to their medical records. I mention that in relation to particular health-related data, but none of the many private providers of services and assemblers of information in this state are subject to the provisions of the Freedom of Information Act. So, if there had been any genuine attempt by the government to make its mark in this area of freedom of information there was plenty of opportunity for it to do so, and it certainly has not. It is not as though a lead has not been provided by other jurisdictions in this country. The Australian Capital Territory is the only jurisdiction in Australia that has done so.

The previous government did not agree that every piece of informal advice provided by junior officers in departments or agencies in their hour-by-hour, day-by-day movements should be subject to public scrutiny. It is perfectly clear that draft briefing papers provided by junior officers may not represent either departmental policy or the views of ministers. There is a chain of command and opportunities for those along the chain who are responsible for the decisions that emanate from government to be held accountable.

That was recognised in the amendments that were made by the Kennett government, which provided that any senior officer whose name was available on a public register would not have his or her name deleted from information that was released. Therefore, to suggest in some way that the Kennett government was attempting to deprive the community of information about key individuals who were responsible for decision making and policy is an absolute lie.

Again, even with the amendments that have been presented in the bill now before the house, the government has had to backtrack in order to reach essentially the same position with which the Kennett government was confronted: providing special consideration to the privacy of certain individuals, and if their names were to be released, giving them some capacity to exercise their opinion on whether they should be released.

As my colleague has said, the legislation is all smoke and mirrors. The truth is that the Kennett government's amendments to the Freedom of Information Act, particularly the key issue of the revealing of the names of individuals, resulted from an intensely practical issue — that is, the releasing of the names of 51 nurses to a convicted murderer without the knowledge of the nurses by the Frankston Hospital as a result of an appeal to the Victorian Civil and Administrative Tribunal . It generated great anxiety among the nurses.

There has been absolute hypocrisy from Labor in dealing with the issue. The coalition was in government when the incident happened and it was the depicted as the worst in the world. Mr Matt Viney, the honourable member for Frankston East, was the endorsed Australian Labor Party candidate at the time. He put on a great song and dance about the private addresses of the nurses being revealed as a result of the release of their names. An article in the *Independent* of 23 March states:

> Mr Matt Viney, Labor Party candidate for Frankston East, has accused the hospital of a 'gross cover-up' and says he wants to know the reasons behind the hospital's decision to release the nurses' names.

That demonstrated and practical problem was the basis of the Kennett government's reforms to the freedom of information legislation.

The Honourable Carlo Furletti gave an erudite explanation of the fine detail of the legislation. He described the extent to which the bill narrows the exemption for cabinet documents and commercial confidentiality and described the removal of the $170 VCAT appeal fee for deemed refusals. That $170 is the only concession that provides greater access to information without some pecuniary impediment.

Honourable members from both sides of the house have also explained the bill as it relates to ministers and government agencies seeking to appeal against the release of information.

The opposition supports the legislation. However, as other honourable members have said, it is all smoke and mirrors. The government had an opportunity to push back the boundaries of freedom of information and move into a reverse onus situation by introducing privacy legislation more in tune with today's large-scale data management and information-based economies. It did not choose to do so. It has simply compounded a conspiracy it has perpetrated over the past seven and a half years. The bill is the final seal on the conspiracy by which the government is attempting to deceive the community even further.

Hon. G. W. JENNINGS (Melbourne) — It is with great enthusiasm that I enter the debate that will lead to the passage of the Freedom of Information (Miscellaneous Amendments) Bill. The government has introduced the legislation as a result of a clear commitment it took to the 1999 election. The legislation is a ringing endorsement of that commitment. Labor has a clear mandate from the people of Victoria to introduce the bill, and I am proud to be part of a government that has introduced such legislation within eight weeks of assuming government.

Labor is firmly of the view it is the right of all citizens to have fair and reasonable access to public information. It believes that for a number of years the Victorian community has clearly demonstrated its concern about the erosion of access to information. It has fed off a number of concerns the Victorian community has expressed over the term in office of the Kennett government about the denial of a number of civil rights and about the erosion of the independence of the Auditor-General. The Bracks Labor government has within eight weeks of being elected introduced legislation to restore the independence of the Auditor-General and enshrine his position in the constitution. The government has also restored the independence of the Director of Public Prosecutions in legislation that was dealt with by the house earlier today.

The government believes those matters weighed heavily on the minds of the Victorian people during the last term of the Kennett government. The Bracks Labor government is enthusiastically responding to the mandate given to it by the Victorian community and is delivering the reforms it promised in its first term in office.

The intention of the bill is to restore the integrity of the framework of the 1982 legislation that was introduced by the Cain government. In the course of my contribution I will apply an interesting test to calls for consistency from political parties and their representatives in the Parliament.

Hon. Bill Forwood — The Independents, too.

Hon. G. W. JENNINGS — I am enthusiastic about — in fact, I support — the role the Independents have played and their contribution to delivering the change of government and to restoring — —

Honourable members interjecting.

Hon. G. W. JENNINGS — The Victorian community owes them a great deal because they extracted significant undertakings from both sides of politics in obtaining commitments to their charter.

Both parties have embraced reform enthusiastically. On many occasions in the past decade it was pretty clear that a number of current opposition members were enthusiastic supporters of freedom of information (FOI) legislation. When they were in government, though, they supported very tough freedom of information legislation. However, perhaps their support has not been so enthusiastic during the period of this government. That is understandable. The test of a commitment to freedom of information legislation, of the rigour that is applied to it and to its application, is really the commitment of the government of the day.

As I have already indicated, I am enthusiastic about the intention of the bill. It will introduce a number of reforms the government believes will restore the integrity of the original Cain legislation of 1982. It will be supplemented by a range of measures that deal with developing and preparing guidelines — which is obviously an issue opposition members will be enthusiastic supporters of — and implementation of those guidelines in administrative practices throughout the public sector. That will culminate in a revision of the cabinet handbook. As part of my responsibilities as cabinet secretary I will be happy to ensure that it is amended so that it complies fully with the legislation I anticipate will be passed in the house later today.

The bill is intended do a number of things, and I will briefly outline its key elements. The first commitment that has been met by the Bracks Labor government narrows the capacity for ministers and their departments to seek exemptions from freedom of information requirements through the inappropriate description of cabinet in confidence. The expectation is that ministers will not class information as cabinet

documents or attachments to cabinet documents merely to avoid their responsibilities under the legislation. Any cabinet submission in its complete form is intended to be consistent with the intent of the submission and limited to the issues with which it specifically deals.

The government has made a commitment to remove exemptions that have been made on the basis of commercial in confidence and has attempted to establish a model similar to that which applies under the New Zealand Official Information Act. That issue has been the subject of discussions between the government and the Independents in satisfying the requirements in the Independents charter.

Clause 7 amends section 34(1)(a) and (b) of the act. The Honourable Carlo Furletti addressed that issue earlier in the debate and appeared to be confused about the application of the section. The real test will be in the new wording contained in proposed new section 34(1)(a), which will provide an exemption to trade secrets. The unreasonable disadvantage test will apply to a number of documents and information that may be classified as disadvantaging financial and business undertakings. They will be included in the provision that relates to the disadvantage test rather than being separated as they are in the act.

The Bracks Labor government undertook to compel ministers to provide to Parliament the reasons they or their departments may have determined to appeal decisions of the Victorian Civil and Administrative Tribunal (VCAT) and to withhold information on the basis of the public interest. In the spirit of addressing accountability and scrutiny, ministers will be required within seven sitting days to list before Parliament their reasons for believing the restriction is in the public interest.

The bill repeals part IIIA of the principal act. The government's commitment to repeal that part, which deals with exemptions for personal information, has been a vexed question in debates in this house tonight and in the other place. Proposed new section 33(9) makes it clear that information relating to the personal affairs of any person also includes personal information. The provision clarifies the situation where some personal details such as name and address may have been referred to previously in different sections. The exemption for personal information will be sought where the disclosure of the person's identity would or would reasonably be likely to endanger the life or physical safety of any person.

On a number of occasions the opposition has referred to the exemption being somewhat restrictive and limiting, particularly as it relates to the implied threat rather than the threat of actual physical violence. VCAT has made rulings about the implied nature under section 31(1)(e) of the act which in effect defines how VCAT believes the section should be interpreted. That will apply to proposed new section 33. The VCAT ruling was to the effect that the exemption applies where it is reasonably likely that there is a danger to physical safety, not that physical harm will occur. The risk of endangerment might well be thought to be greater than that of physical harm. It provides a broader interpretation of the safety issues and is not as restrictive as may have been believed by the opposition during the debate.

A significant provision in the bill is the one that removes the $170 fee for applications for a review of failure by a government department to respond to a request within the time limit. That is known as the deemed refusal. If departments have not responded within a set period, applicants, subject to a fee of $170, can effectively say they have been refused right of access to material and take the case to VCAT. Prior to 1998 no fee applied to those appeals, and I am pleased that the bill removes that fee.

Since 1993 the Kennett government has made a succession of amendments to the freedom of information legislation which, in the view of the current government and, I suggest, the people of Victoria, has limited its application. The changes have led to a lack of confidence in the Victorian community in people's ability to access public information because of the onerous costs or administrative processes to which they may be subjected.

In 1993 the Kennett government expanded the scope of cabinet documents to exempt them from public release. It increased fees placing greater costs on individuals seeking information. For the first time it introduced the concept that members of Parliament were no longer exempt from paying application fees and it excluded state-owned enterprises such as the Treasury Corporation of Victoria and the former State Electricity Commission from FOI. At the same time it made the significant decision that documents relating to privatisation of state-owned assets were excluded from the operation of FOI laws. For example, the privatised prison program that was introduced by the Kennett government was confined by the practice of commercial in confidence. Over a number of years that led to some contest at the level of VCAT by a number of community legal organisations and groups that were concerned with the welfare of prisoners in the privatised prison system. It culminated on 21 May of this year when VCAT made the decision that in its view it would be in the public interest that the documents

relating to private prison contracts be released. At that time Judge Murray Kellam commented:

> It is inherent in this democratic system that important issues of the nature of prisons and their management be publicly transparent so that there can be the best public understanding, awareness and if need be, debate.

I direct the attention of honourable members to the significant contributions made over the years by the current Leader of the Opposition in this place to debates on FOI. He has been a major proponent of the legislation and on a number of occasions in his public career has vigorously defended the spirit and intent of a rigorous FOI program and the availability of access to documents by members of the community.

In this very house, the Honourable Mark Birrell, then the Leader of the Opposition, is quoted in *Hansard* of 7 May 1986 as making the following contribution when amendments to the FOI legislation were proposed to narrow the scope of documents available under it:

> Along with my Liberal and National Party colleagues, I oppose the bill. It is designed to close the door on open government and to promote secrecy rather than accountability in the Victorian public service and the Victorian cabinet.

As I said, that significant contribution demonstrates that the then Leader of the Opposition had a major commitment to ensuring that information is not artificially kept from the public and that the government does not deny the people of Victoria access to information.

His major contributions to the spirit of freedom of information processes and legislation were made while he was in opposition. The Honourable Mark Birrell was reported in the *Age* of 28 July 1988 as saying there was 'no need to change the cabinet-document exemption to make it any tighter than was provided for in the original act'. I support that laudable and credible position, as he was referring to the 1988 legislation introduced by the then Cain government.

It is interesting to note that when reforms were introduced in 1993, 1994 and again in 1999 — when he was a member of the then Kennett government — the current Leader of the Opposition did not make contributions in a similar vein.

There is a history to all that. I owe something to my former colleague the Honourable Jean McLean, who identified a number of occasions when members of the Liberal and National parties in the Victorian Parliament demonstrated a double standard in their commitment to the principle and spirit of freedom of information.

As recently as 2 June this year, in the second-reading debate on the bill, the Honourable Jean McLean drew attention to the 1989 report of the former Legal and Constitutional Committee, in which coalition members recommended broadening the definition of cabinet documents. She went on to contrast that with the view of coalition members of the committee in May 1993, when they voted in support of narrowing cabinet exemptions — that is, after they had been elected to government.

In 1994 the then Kennett government introduced a number of amendments to the FOI legislation, including amendments to the VCAT appeal processes and the introduction of an application fee for appeals. Those fees were progressively increased from $150 in 1994, $157 in 1995 and $165 in 1996, to culminate in $170 in 1999. That is an onerous requirement. I am sure people in Melbourne Province, who are enthusiastic citizens and from time to time wish to scrutinise the activities of government, would have found $170 a quite restrictive fee. I am enthusiastic about the reduction in fees.

Hon. Bill Forwood — You're enthusiastic about the reduction in fees?

Hon. G. W. JENNINGS — I am extremely enthusiastic about the reduction in fees.

In 1999 the then Kennett government again made a number of changes to the Freedom of Information Act. They were important because they were in a sense a response to a most unfortunate decision to allow information about nurses at Frankston Hospital to be released. I have concerns — as all honourable members would have — about information of that nature being made available. I am concerned about the nature of the VCAT decision to make the information available and the care and responsibility shown by the Frankston Hospital in its employment practices and ensuring protection for its employees.

In the name of addressing those concerns a number of amendments were introduced. The broad-brush approach to the exemptions did not do justice to what is in effect a proper test of risk. I am pleased that the amendments made in the other place require that before information is released the test of public safety must be applied and passed.

I refer to the nature of public information and public records. One of the issues that concerns me about the progress of a political party from opposition to government and back into opposition is what is entailed

in a clear understanding about the proper maintenance of public records and ensuring that they are accessible.

I read with interest the contribution by the Honourable Bruce Atkinson to the debate in this house on 2 June. It seems to be based on a concern about the nature of public record keeping itself. He voiced a number of concerns about what that means in practice. I direct the attention of honourable members to his extraordinary contribution, as reported at page 1062 of *Hansard*:

> One of the major concerns I have with FOI is that it is diminishing the public record by destroying the historical recording process that has been established. There are many people, including members of Parliament — certainly ministerial advisers, ministers and bureaucrats — who are reluctant to commit anything to paper or put anything on the record in case they are tripped up …

As I said, I find that extraordinary.

What constitutes a public record? What is the value of having a public record if it is not made available to the public? The extraordinary proposition argued in this house was that it is an overly onerous responsibility for ministers, their staff and departments to put on the public record a justification for their decisions or the basis on which they made decisions because they may be tripped up.

I would have thought the purpose of the process of good government and maintaining public records is to be able to clearly delineate the process of decision making, the justification of decision making and the implementation of the decisions. That is our public responsibility. Some degree of confusion about that has been demonstrated by the current opposition in its less than consistent approach to the principles underpinning the freedom of information legislation.

The government consulted widely when preparing the bill. It sought advice from the Federation of Community Legal Centres, the Law Institute of Victoria, the Victorian Bar Council, the Aboriginal Legal Service and Liberty Victoria.

A hallmark of the Bracks Labor government is the new style of leadership — it is inclusive and consultative — that has in no small measure led to the preparation and presentation of the bill. As I said on another occasion, I am pleased to be part of a government that is introducing amending legislation in the first eight weeks of its term in government. I commend the bill to the house.

Hon. P. A. KATSAMBANIS (Monash) — The opposition supports the bill. It is a significant improvement on the bill that was introduced by the government in the other place and has benefited from the positive intervention of the opposition.

Although there is little doubt that in Victoria in 1999 the concept of freedom of information is shared across political boundaries, the philosophy and the practices vary markedly. The variation has little to do with partisan politics, or political parties and their interpretations of freedom of information. It has to do with the dichotomy between parliamentary scrutiny and the executive government. The bill is an example of executive government's interpretation of freedom of information. I say that with the greatest of respect to all Victorian government administrations since the concept of freedom of information was first mooted in the 1970s, and introduced in the 1980s.

The Labor government says one thing in opposition, but does something completely different when it comes to government and is subjected to parliamentary scrutiny. I refer again to the dichotomy of parliamentary scrutiny and executive government, not partisan politics or philosophies. It is disappointing that after all the rhetoric and political point scoring by the Bracks Labor government, the bill, significantly enhanced and improved by the opposition, represents a missed opportunity to provide freedom of information for 1999 and not freedom of information based on the principles and practices of two decades ago.

The bill needs to be considered not just for what it contains but also for what it does not contain. Mr Furletti and Dr Ross have referred to the fact that the bill repeals part IIIA of the principal act. That important protection was introduced by the former Kennett government after an unfortunate decision that allowed private and personal information about nurses at the Frankston Hospital to be released to a convicted criminal, and it is a shame the Labor government is repealing the provision. Whether the proposed provision will provide the same protection as is provided by part IIIA is debatable. It demonstrates that the Labor Party has scant regard for the protection of the private information of citizens going about their business and for the possibility of its falling into the hands of criminals, who may use it for mischievous purposes.

Another omission from the bill — one that may be used to distinguish the Labor government from other governments and to show whether it crossed the divide between parliamentary scrutiny and executive government and was prepared to subject itself in government to proper scrutiny and the provision of information — is the positive disclosure regime. Such a regime is easily achievable at the end of the

20th century with available technology. It is something the former government offered to do in negotiations with the Independents prior to the change of government — disclose government information on the Internet. It is a simple, easy process that can be done easily and inexpensively using available technology.

Labor has missed an opportunity to stamp its authority on freedom of information. It could have said, 'We will create a new era, a new environment, and publish government information and contracts on the Internet'. It has not done that. It does not want executive government to be subjected to scrutiny. It is a shame for the people of Victoria, because in its freedom of information policy issued before the election, Labor said:

> Labor created the Freedom of Information Act and a Bracks Labor government would restore the act to a force for disclosure, rather than cover-up. Labor will target the use of commercial-in-confidence provisions that have been used by the Kennett government to hide details of deals done with the private sector on the provision of services to the community.

That policy document is available on the Internet, which is an easy way to provide information to the people of Victoria. The Labor government has chosen not to do that and has instead introduced clauses dealing with cabinet and commercial confidentiality, which were mentioned by Mr Furletti and Dr Ross. As they said, it all is cloaks and daggers and smoke and mirrors. I ask the government to explain the difference between cabinet confidentiality and commercial confidentiality in the proposed provisions in the amending bill and the relevant section in the principal act. The changes are cosmetic and in practice will achieve exactly what is being achieved currently.

Another test the Labor government failed is its commitment in its policy that:

> Labor will also extend freedom of information to all state government agencies and bodies.

What state government departments and agencies are not included in freedom of information? The policy document does not tell us. The bill does not extend freedom of information to one more state government agency or body. That is most probably because all state government agencies and bodies are covered by freedom of information. The government had the perfect opportunity to expand coverage to any agencies or bodies it believed were not covered but did not do so. The government stands condemned for not extending freedom of information to a modern environment and for using cloaks and daggers and smoke and mirrors by introducing a bill which supposedly creates a new era of freedom of information but which is more of the same.

It is a batch of political rhetoric that in practice will have no positive effect. Rather, in one aspect the removal of part IIIA of the act may have a detrimental effect on Victorian citizens.

Notwithstanding that, I reiterate my support for the bill and look forward to its enactment. I also look forward to the government living up to its rhetoric and introducing meaningful change to freedom of information.

Motion agreed to.

Read second time.

Third reading

Hon. M. R. THOMSON (Minister for Small Business) — By leave, I move:

> That this bill be now read a third time.

I thank Ms Mikakos and Mr Jennings, who strongly supported the bill; Mr Furletti, who supported it and spoke at great length; and Mr Katsambanis and Dr John Ross for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

Hon. M. M. GOULD (Minister for Industrial Relations) — I move:

> That the house do now adjourn.

Gippsland Falcons soccer club

Hon. P. R. HALL (Gippsland) — I refer the Minister for Sport and Recreation to the Gippsland Falcons soccer team which, as the minister would know, is the only team based in regional Australia that participates in the National Soccer League. The inclusion of the Gippsland Falcons in the NSL is a tribute to many hardworking people such as Don DiFribizio, Fred Disjpio and others who have contributed to the formation and ultimate success of the club. Since the club's entry into the NSL, to the great credit of the local community and those involved with the team it has often fought off challenges that

threatened its demise. The minister may be aware that the National Soccer League is seeking to restructure the league from 16 teams down to 12. Each club must meet certain criteria. The Gippsland Falcons team believes the agenda of the NSL is to eliminate it from the league.

The minister would appreciate the importance of a regional-based team in a national sporting competition and I hope he is willing to do whatever he can to assist the Gippsland Falcons to continue its participation in the National Soccer League.

Will the minister meet with representatives of the Gippsland Falcons with a view to seeing what the government can do to ensure that this regional-based soccer team remains in the national competition?

Mining Warden

Hon. PHILIP DAVIS (Gippsland) — I note the admission by the Minister for Energy and Resources early this evening that she misled the house during today's question time, and I accept that she made a personal explanation about the matter. Without dwelling on the minister's inability to accurately advise the house in her response, I shall follow up the issue of substance.

On previous occasions the minister has indicated her commitment to the mining industry. Today in question time she made a strong commitment to the statutory office of Mining Warden and the importance of that role being recognised by both industry and herself as minister. The Mining Warden plays a crucial role in dealing with vexatious matters in the mining industry. The role, which derives from Victoria's colonial past and the challenges of goldmining, is well recognised in the state. Will the minister explain to the house her rationale for downgrading the statutory office of Mining Warden to a part-time position, given her commitment to the house earlier today?

Industrial relations: public sector

Hon. C. A. FURLETTI (Templestowe) — I direct a matter to the attention of the Minister for Industrial Relations. Given the minister's direct responsibility on behalf of all Victorians for the conduct of arbitration hearings of industrial disputes, particularly those involving the Community and Public Sector Union, to which I referred on 24 November, and the Shop, Distributive and Allied Employees Association, will the minister advise the house what other disputes before the Australian Industrial Relations Commission the minister has instructed her advisers to negotiate and the cost of those negotiations to Victorian employers?

CFA: paid firefighters

Hon. B. C. BOARDMAN (Chelsea) — I raise a matter with the Minister for Industrial Relations. During opposition business this morning the minister referred to the United Firefighters Union and incentives offered to volunteer firefighters through union membership, including the provision of advice in Workcover matters. Given that volunteers are not covered by Workcover in their association with the Country Fire Authority, I ask the minister to reflect on her comments and say whether she stands by them.

Occupational health and safety: aluminium processing

Hon. E. C. CARBINES (Geelong) — I raise a matter with the Minister for Industrial Relations representing the Minister for Workcover in another place. Yesterday Alcoa warned that members of its work force had been exposed to substances that could increase their risk of contracting lung and bladder cancer. This issue is estimated to affect more than 3000 past and present employees of the company, many of whom are or have been employed at its Point Henry plant, which is in my electorate, and its plant at Portland.

Understandably, the announcement has caused much concern among Alcoa's past and present workers and their families. Will the Minister for Workcover monitor the matter by ensuring it is referred to the National Occupational Health and Safety Commission?

Housing: north-western Victoria

Hon. B. W. BISHOP (North Western) — I raise with the Minister for Consumer Affairs representing the Minister for Housing in the other place an issue concerning public housing. I have noted that the normal waiting lists and priority listings in my electorate are increasing substantially. I suspect that the normal level of inquiry is still coming from a large number of homeless people and perhaps people from dangerous domestic situations.

In addition an increase in the number of people moving into towns such as Mildura and Swan Hill is creating a demand for housing. Obviously the good weather, good services and plentiful supply of work in those places — all of which we have spoken about in this place previously — have been positive attractions. The harvesting work, which used to be around for two to three months each year, has now extended out to about 11 months, so people are seeking work in Swan Hill

and Mildura. People who used to work for BHP are coming down from New South Wales to find work.

My office has documented the fact that some waiting times for public housing are more than four years because of the increase in the labour force and Mildura's rapid growth. I believe the problem is increasing. I request that a focused study be undertaken into current and future public housing and the allocation of funding to meet the shortfall.

Immunisation: mobile program

Hon. E. J. POWELL (North Eastern) — I raise with the Minister for Industrial Relations representing the Minister for Health in the other place the matter of a mobile immunisation program in my electorate. The City of Greater Shepparton and the City of Wodonga tendered for the program in 1997 and won the contract. I was pleased to present a letter of support of that program because the Hume region did not meet the state's average for levels of immunisation.

The service, which was a Kennett government initiative provided over the past two years, was highly successful. There has been an enormous increase in immunisation of both adults and children. The mobile van serviced 11 municipalities and visited many remote towns. It provided a service to people who normally do not have access to immunisation programs because they live in remote areas. The service also provided opportunistic immunisations using a van parked near major events, outside shopping centres and sporting facilities. The van used was unique — it had a big emu on its side and was known as the emu van. It had a non-threatening and friendly appearance that made it attractive to babies and children. Staff for the van — a driver and qualified immunisation nurse — was provided in rotation every six weeks via the two municipalities.

The councils have written to the Minister for Health seeking a 12-month extension to this very important health program. They have received a letter from the Department of Human Services rejecting their request, while acknowledging its valuable service and increased immunisation levels. Given the Labor Party's election promises that it will make sure that equitable services are available in country Victoria, I ask the minister to review his decision and provide $150 000 funding for this valuable service.

Major projects: industrial disputes

Hon. P. A. KATSAMBANIS (Monash) — I refer the Minister for Industrial Relations to significant industrial disputes on various building sites, especially major building projects. Already today the house has been informed about the significant delays in building activities at the new multipurpose venue being constructed at Yarra Park next to the tennis centre and the possible problems that is likely to cause for the Australian Open tennis tournament.

It has now come to my attention that there are also significant delays in the building works at the Colonial Stadium, which is being constructed in the Docklands precinct. It appears that the completion date has blown out as a result of industrial disputation reaching plague proportions. It is likely that a number of events scheduled at the venue will need to be postponed, including pre-season Australian Football League games and major concerts involving international artists.

Given that the need to change venues for the Australian Open has already significantly eroded Victoria's reputation as an event state, and given that the fear of cancellation of additional events will further erode confidence in the international community about Victoria's ability to conduct international performances under a Labor government, what action will the minister take to ensure that industrial disputation on these sites is minimised to ensure the stadiums are completed at the earliest possible opportunity?

Goulburn Valley: land clearing

Hon. W. R. BAXTER (North Eastern) — I raise a matter with the Minister assisting the Minister for Planning. I would like him to reflect on the issue one day when he is in the planning office, assisting. I refer to the penalties that apply to flagrant abuse of the regulations concerning the clearing of native vegetation. My ambivalent attitude to the lack of clarity in the regulations is well known. Nevertheless, while the current regulations exist the penalties for their breach ought to be appropriate. At present they are not.

I refer in particular to recent incidents in the Greater City of Shepparton where land-holders have disregarded planning regulations; failed to get permits; and cleared the native vegetation from sites because it suited them to do so — the penalty is only $100. For a substantial development — costing perhaps a million dollars or more — a penalty of $100 is insignificant. Councillors and officers from the Greater City of Shepparton have made representations to me and my colleague Mrs Powell, concerned that their ability to conduct the municipality in accordance with the wishes of the ratepayers is being undermined by the inappropriate penalty structure. I invite the minister to turn his mind to the matter at an appropriate time.

Planning: Mount Martha

Hon. R. H. BOWDEN (South Eastern) — I seek the assistance of the Minister assisting the Minister for Planning. The matter may also be relevant to the Minister for Local Government, as it contains an element of local government.

A constituent of mine, Mr Frank Donato, is proprietor of a property at 90 Craigie Road, Mount Martha. He is a primary producer with a degree in agricultural science. For several years under the guidance and expertise of Mr Donato the family has successfully produced hydroponic tomatoes and strawberries and raised other crops in volume.

The property has been in the Donato family for possibly 30 years or more and could have remained with the family for up to 40 years. Early this year, Mr Donato made a planning application — no. P 990712 — to the Mornington Peninsula Shire Council to permit the sale of retail produce. Before 6 May Mr Donato was covered by the previous Mornington Peninsula shire planning scheme and the property was zoned rural residential 1. As a genuine volume agricultural producer the Donato family was able to sell its produce wholesale, though the retail situation was restricted.

On 6 May new regulations were adopted by the shire. Without consultation with Mr Donato, the zoning of his property was changed to low density residential, which prohibits retail sales.

A great deal of correspondence has passed between the Victorian Farmers Federation, the Donato family, the council and me over many months. To demonstrate the attitude that has been taken and to give the minister some idea of the family's problems, I will read a brief paragraph from a letter from the council to Mr Donato dated 16 June and signed by Nat Modica, development planner:

> In summary, it is considered that the use of your land for fruit, vegetable and egg sales, as submitted in your applications, is prohibited in the low density residential zone in which your land is located.

The PRESIDENT — Order! The honourable member will now pose his question.

Hon. R. H. BOWDEN — The Donato family has evidence available to it that confirms the existence of use rights enabling primary producers to sell retail at the entrance to their properties. In my opinion those rights are being severely compromised and are not being recognised.

The PRESIDENT — Order! What is the question?

Hon. R. H. BOWDEN — Will the government counsel the Mornington Peninsula Shire Council to recognise the existing use rights of the Donato family?

Snowy River

Hon. E. G. STONEY (Central Highlands) — I note that today the Minister for Energy and Resources, who is responsible for Snowy River flows, met with the New South Wales Special Minister of State, after which she issued a four-page communiqué.

Hon. I. J. Cover — Four pages?

Hon. E. G. STONEY — It is verbose. In those four pages I could find only one line of any interest. It states:

> Mr Della Bosca said that New South Wales has not taken a final position on the level of the flow.

I also note that today's *Australian* is more specific, quoting a New South Wales spokesman as saying about 28 per cent of the water being taken from the Murray and Murrumbidgee rivers:

> We are not going to wear that.

The article reports another senior NSW government source as saying:

> Twenty-eight per cent is not feasible, it is not realistic and it won't happen.

The article goes on to forecast that the maximum Victoria might get is 19 per cent, foreshadowing that it will be more like 10 per cent. Will the minister give her personal commitment to a 28 per cent flow in the Snowy River, and will she make it clear to the house that even 19 per cent is not acceptable?

Small business: taxation

Hon. W. I. SMITH (Silvan) — I direct to the attention of the Minister for Small Business that part of page 3 of Labor's policy for small business that states that small business has an unfair state tax burden and ask what small business taxes she will be reducing and when she will start the tax reductions.

Minister for Sport and Recreation: motorcycle safety

Hon. J. W. G. ROSS (Higinbotham) — I refer the Honourable Justin Madden in his joint capacities as Minister for Sport and Recreation and Minister for Youth Affairs to a photograph in yesterday evening's edition of the *Herald Sun* that shows him sitting on a motorbike — without a helmet! In fairness to the minister and for the benefit of the public record I point

out that the article contains an inset photograph of the minister wearing a helmet. However, every responsible parent who buys a motorcycle for a child also provides a helmet — but the problem is that the child will not wear it.

I do not dispute that you had a helmet, Minister, but the caption under the photograph says, 'Go: the minister revs up at Parliament House'. The photograph is a dynamic image of the minister on the steps of Parliament House without a helmet. I ask the minister, as a sporting identity, as a role model for the community and as a minister of the Crown, what he will do to redress that grossly irresponsible image. Will he apologise to every parent in the state for his grossly irresponsible role modelling?

Crown land: leases

Hon. G. B. ASHMAN (Koonung) — I direct to the attention of the Minister for Small Business an issue relating to the renewal of leases on government properties. I have been approached by a number of small businesses with commercial leases that enable them to operate their businesses on Crown land. The leases have been in place for periods varying between 10 and 25 years. All the businesses on those properties are trading at a profit, so there is no question about their ongoing viability.

All the lessees have one common problem. Each of their leases has an option to renew, and the option on offer is for between 10 and 25 years, which is generally in line with the original leases. All the businesses have invested significant sums of money, adding capital improvements to the land. However, they are now all experiencing difficulties in exercising the options in their leases.

When the leases were signed 10 to 25 years ago, the intent was clear. The clauses in the leases are also clear. However, the lessees are now being subjected to lengthy, time-consuming and in some cases costly negotiations on the new leases. I seek a clear statement from the Minister for Small Business that where a lease held by a small business clearly contains an option for renewal the government will, without qualification, honour what is written in that legal agreement.

Local government: best-value principles

Hon. D. McL. DAVIS (East Yarra) — I ask the Minister for Energy and Resources to refer to the Minister for Local Government in the other place an issue relating to the Local Government (Best Value Principles) Bill. Following the passage of the bill through the house this week, I seek an assurance from the Minister for Local Government that over the term of the government any rise in council rates for domestic or business property owners will not exceed any rise in the consumer price index and will not have any negative impact beyond that point for domestic or business property owners.

Beaconsfield Upper: gas supply

Hon. N. B. LUCAS (Eumemmerring) — I refer the attention of the Minister for Energy and Resources to the rural township of Beaconsfield Upper in the Shire of Cardinia. Honourable members will recall that, much to my concern, the shire was not included in the Regional Infrastructure Development Fund Bill that was debated some days ago. Beaconsfield Upper is not supplied with natural gas. I initiated a study recently to examine the cost of providing Beaconsfield Upper with a natural gas supply pipeline from the gas main in the township of Beaconsfield, which is about 11 kilometres from Beaconsfield Upper.

When one calculates the cost of extending the main and the provision of supply mains in the streets, one finds the net loss derived from existing houses and those that will be built in coming years will be in excess of $1.5 million. That would make the project feasible and would benefit the rural township.

Will the minister advise the house whether funding can be provided to enable the gas main to be extended to Beaconsfield Upper? If there is no such program, will she advise whether she is willing to consider establishing such a program so the rural township can be provided with natural gas?

Seal Rocks Sea Life Centre

Hon. K. M. SMITH (South Eastern) — I direct the attention of the Minister for Energy and Resources representing the Minister for State and Regional Development in the other place to the Seal Rocks development, and particularly stage 2, which has been a huge success at the Nobbies on Phillip Island. It is a matter of concern that when the development goes ahead at least 100 jobs will be created and 20 full-time jobs will flow from it.

A company that was introduced to the people at Seal Rocks by Tourism Victoria showed a great deal of interest and was prepared to sign documents to show it would invest $5 million in the initial works. It was to provide another $50 million to $55 million for the total development of stage 2 of the site.

The company has tourism developments in Cairns and Sydney, and is important in the tourism industry. Tourism Victoria also encouraged the company to establish its head office in Melbourne. The company entered into negotiations over a 12-month period with Tourism Victoria on the stage 2 developments of Seal Rocks.

I understand the company spent 2 or 3 hours in discussion with the honourable member for Gippsland West, Susan Davies, about the development. Ms Davies worked extremely hard to ensure that stage 2 would never go ahead. She does not like Mr Armstrong because of a personality problem. She assured the company there would be no further works at Seal Rocks. The company said there was no reason for it to withdraw its $55 million and the 100 jobs that would be created in the stage 2 development, apart from the discussions with Susan Davies that no further development will take place.

Will the minister investigate the matter to overcome the difficulty created by Ms Davies so that stage 2 of the development on Phillip Island will go ahead? The development is important to Phillip Island and it is unfortunate that the honourable member for Gippsland West has used her position as an Independent to negotiate against a company investing in Victoria.

School principals: superannuation

Hon. B. N. ATKINSON (Koonung) — I ask the Minister for Sport and Recreation to refer to the Minister for Education in another place the retirement of principals from schools throughout the state system. After talking with parents, school councils and principals of schools in my province I am concerned that a number of principals are taking comparatively early retirement, thus depriving the system of their skills and experience because of concern about penalties that accrue to them in their superannuation scheme.

While they obviously are not directly penalised, by continuing in the teaching service and in their positions as principals, they will experience disadvantage with their superannuation position compared with their retirement. I am concerned about a large number of principals retiring from schools in my province. The school councils are having to go through a process with boards of review at a time when there is a shortage of principals in the teaching service. Has the minister any plans to examine the superannuation scheme that applies to the teaching service, in particular to the principal class and, if not, will she turn her mind to it?

Gaming: ALP commitment

Hon. R. M. HALLAM (Western) — I direct the attention of the Minister for Industrial Relations to Labor's published policy headed 'Responsible Gaming', and more particularly to the second heading, 'Breaking the Political Nexus'. I shall read but two paragraphs from the policy document, which state:

> In an area which is subject to strong and detailed regulation it is obviously essential that clear lines of distinction, both perceived and actual, between gaming outlets and operators and political parties should be established and maintained.
>
> Labor will ensure a clear distinction between those in positions of political influence and those owning or operating gaming and casino companies.

In light of that clear commitment given to the Victorian community, will the minister explain the apparent inconsistency with the commitments of the recent and much-publicised dinner meeting between Premier Bracks and the new owner of the Crown complex, James Packer, particularly given that it was apparently arranged by the Labor powerbroker, Graham Richardson, and held at Crown Casino?

Industrial relations: liaison officers

Hon. M. A. BIRRELL (East Yarra) — I refer the Minister for Industrial Relations to the government's plans to appoint industrial liaison officers, as explained by the minister in answer to a matter I raised with her yesterday. In the well discussed article in the *Age* of 14 December the minister is reported as having said the role of the new industrial liaison officers is to deal with the concerns of unions and employers, and she gave the impression that the role of the liaison officers was to therefore work with both trade unions and employers.

However, yesterday in the house the minister made comments along the lines that the role of the industrial liaison officers will be to liaise with unions and department heads. I seek an explanation as to which statement is accurate — the one reported in the *Age* of 14 December or the one made to the house yesterday. In particular, if the role of the industrial liaison officers is only to deal with unions — —

Hon. K. M. Smith — Leave her alone, Gavin.

Hon. M. A. BIRRELL — Don't coach her — she can cope on her own. I seek an explanation of the inconsistency between the *Age* quotation and her statement in yesterday's *Daily Hansard*. Also, if the role of the industrial liaison officers is only to deal with unions, how can that be regarded as fair and a proper use of public funds?

Mining Warden

Hon. BILL FORWOOD (Templestowe) — The matter I raise with the Minister for Energy and Resources goes to the substance of the matters raised by my colleague Mr Philip Davis in question time today and the minister's personal explanation this evening. After some delay we got an answer, but the answer in the personal explanation begged the issue.

Minister, when did you sign off the advertisement for the Mining Warden's position to be a three-days-a-week position? When did you become aware that you had signed it? It seems to me there are only three options: you did not understand what you were signing; perhaps you did understand but you forgot; or you behaved in this place today with reckless abandon. I seek from the minister a commitment, a personal undertaking, that she will pay greater attention to detail so that this type of behaviour will not occur again.

Responses

Hon. M. M. GOULD (Minister for Industrial Relations) — The Honourable Carlo Furletti raised with me a matter he has raised with me before in the house concerning negotiations or discussions that are taking place between the department and the Community and Public Sector Union regarding its claim under the previous government, which is now being followed through. I have advised the house that those negotiations are continuing, and when they are completed I will be happy to advise honourable members of the outcome. Mr Furletti also mentioned the hearing in the Australian Industrial Relations Commission involving the Shop, Distributive and Allied Employees Association. The negotiations and hearings are continuing in the commission.

The Honourable Cameron Boardman raised with me comments I made in debate this morning about attempts by the United Firefighters Union to provide coverage for Country Fire Authority (CFA) volunteers. I think he referred to the fact that I said the union provides services, including assistance on Workcover, to members of the CFA. He asked me to reflect on that issue, and I shall do so.

The Honourable Elaine Carbines asked me to refer to the Minister for Workcover the concerns of workers at Alcoa, and I shall do that. The Honourable Jeanette Powell asked me to refer to the Minister for Health a matter relating to immunisation, and I shall do that.

The Honourable Peter Katsambanis said the Minister for Sport and Recreation had commented on delays in construction at the multipurpose centre and identified a number of issues causing the delay. He also referred to the industrial disputes that have occurred on the site. I have had discussions with the parties — the employers and the unions — and encouraged them to resolve the issues. The employers have said they will take their claims to the Australian Industrial Relations Commission, which is their right under the federal Workplace Relations Act, which affects those workers.

Hon. P. A. Katsambanis — On a point of order, Mr President, I have listened closely to the minister's answer and I notice she referred to the multipurpose venue. My question was quite clear. It had nothing to do with the multipurpose venue; the venue was used as an example. My question to the minister was clearly related to a series of industrial disputes at Colonial Stadium and I asked what action the minister will take to ensure that those disputes are settled and the stadium is completed as soon as possible. I recognise that ministers are given some opportunity to expand on the issue, Mr President, but given previous rulings in this place I ask you to ask the minister to reflect on the issue I raised, not on some other completely irrelevant issue.

Hon. M. M. GOULD — As I indicated, and as Mr Katsambanis would be aware, there is not a state industrial relations system in Victoria. I have had discussions with the parties about the issues to which he has referred. I apologise — I had written down multipurpose project and then Colonial Stadium. I have spoken to the parties and, as I said, the employers have indicated that they will be taking action in the Australian Industrial Relations Commission, but I have encouraged them to sit down with the unions to try to resolve the matter.

The Honourable Roger Hallam raised with me as Leader of the Government Labor's policy titled 'Responsible Gaming' and subtitled 'Breaking the political nexus' and the ALP fundraiser held on Monday of last week, I think.

An Honourable Member — How could you forget? It was $1000 a head.

Hon. M. M. GOULD — I am just trying to remember whether it was last Monday or the Monday before. Mr Hallam referred to the dinner and our gaming policy. The ALP did have a fundraiser function, to which it invited a large number of business and other organisations. There were over 800 people present, but it was held at the Hyatt, not the Crown Casino. With respect to fundraisers and the government talking to

businesses, community leaders and owners of the casino, I simply say that the government is within its rights to do so. As the honourable member indicated, a fundraiser was run by the Australian Labor Party.

Mr Birrell referred to industrial liaison officers. I gave an answer to the house last night regarding liaison officers, and I stand by that answer. The interview went for an hour. If the reporter did not pick up exactly all the items — —

Hon. G. R. Craige — You are a goose. You are hopeless.

Honourable members interjecting.

The PRESIDENT — Order! I will not allow the minister to be shouted down. The minister is entitled to be heard. I ask honourable members to desist.

Hon. M. M. GOULD — I indicated in the house last night that industrial liaison officers were to be paid for out of the existing budget, that there would be one in each government department, that they would be appointed by the department heads and that they would be answerable to department heads and act as liaison officers between employers and the union. I said that to the *Age* reporter. I am sorry if he did not find the space to include those details.

I repeat, as I said last night, the industrial relations officers will be employed within budget. They will be responsible and answerable to department heads. Their role is to consult with unions and the various departments.

Hon. C. C. BROAD (Minister for Energy and Resources) — The first question directed to me was from the Honourable Philip Davis and it concerned the Mining Warden. That was also mentioned earlier today and has been the subject of a personal explanation by me. He asked for an explanation of the decision to change the position to part time by way of advertisement when the position is next filled.

The explanation is quite straightforward. Following a series of discussions during which I was given a range of advice from the Mining Warden and my department, a compromise was arrived. The compromise was that the position would be advertised as a part-time position, for three days a week I think, with the proviso that if the arrangement was found to be inadequate to meet the responsibilities of the position in either my view or the view of the new Mining Warden it would be possible to increase the position to full time or whatever fraction was necessary to ensure that the duties of the position are adequately carried out. I corrected my incorrect direction by way of personal explanation earlier. That simply went to the matter of the terms of the resolution.

The second question I received was from the Honourable Graeme Stoney, who referred to an article that appeared in today's *Australian*, quoting various unnamed sources. He also referred to the Bracks Labor government's commitment to increasing environmental flows in the Snowy River to a level of 28 per cent. He asked whether 19 per cent was unacceptable. I have on a number of occasions explained to the house that the Bracks Labor government's commitment to 28 per cent is the commitment I am charged to negotiate, and that is what I have done today. I consider that the government has made significant progress to date, certainly more than was ever made under the previous Kennett government, which only ever intended to negotiate a level of 15 per cent as opposed to the goal I am negotiating of 28 per cent. As to the article referred to with its unnamed sources, those figures certainly were not canvassed today in any way, shape or form.

The third question was from the Honourable David Davis and was directed to the Minister for Local Government. The honourable member sought an assurance from the minister that rates will not rise beyond the consumer price index as a result of the Local Government (Best Value Principles) Bill, which was debated recently. I will refer that matter to the minister.

The fourth question came from the Honourable Neil Lucas, who raised the matter of the connection of natural gas to the township of Upper Beaconsfield. He asked whether government funding would be available to assist in that connection. As I have done with similar questions I have received about the connection of natural gas, I again advise the house that the policies that apply in this area were put in place by the previous Kennett government as part of its so-called reform agenda of privatising the gas industry. The opposition would be well aware that under those arrangements the procedure is that local communities, in all cases represented by local government, are charged with negotiating with private suppliers of natural gas in circumstances where suppliers do not believe they will receive a satisfactory return. That is the procedure. If the now opposition had wished this area to be under the control of the government, it might not have implemented the policies that are now in place.

The fifth matter came from the Honourable Ken Smith and was directed to the Minister for State and Regional Development. It concerned the Seal Rocks development. Mr Smith said that in his view a second stage was withdrawn because of the actions of the local

member. He asked that the responsible minister investigate progressing stage 2 of the development. I will refer the matter to the minister.

The final question raised with me was from the Honourable Bill Forwood. It also concerned the Mining Warden, to whom I referred earlier. The honourable member asked me to make commitments regarding my behaviour in the house. I would like to give a commitment to the house to be totally infallible at all times in future. The fact is that the commitment I give to the house is that I will act with integrity at all times. I have acted perfectly appropriately in correcting — —

Hon. Bill Forwood — On a point of order, Mr President, the minister is addressing the issue of standards. I am interested in when she signed the document.

The PRESIDENT — Order! The question was very specific.

Hon. C. C. BROAD — I am only part way through my reply. The honourable member made some comments on my behaviour and asked me to give some commitments. I was addressing that matter. They are the commitments I give. I believe I have behaved perfectly appropriately on this occasion in correcting the information.

As to the specific question about the dates on which I signed documents on the matters, I say firstly that I believe the important matter in correcting my answer earlier today is that obviously the decisions predated the question I received earlier today. As a result, the answer earlier today was incorrect.

As I indicated earlier, the decision was a result of a series of discussions with the Mining Warden and with my department.

An Honourable Member — How far back does your memory go?

Hon. C. C. BROAD — I do not have a piece of paper with a date on it in front of me. However, I am quite clear — —

An honourable member interjected.

The PRESIDENT — Order!

Hon. C. C. BROAD — I am quite clear about the decision I made. I have obviously checked that advice with my department, which has confirmed it.

Hon. M. R. THOMSON (Minister for Small Business) — The Honourable Barry Bishop drew to my attention a matter for referral to the Minister for Housing in another place concerning public housing in Shepparton and Swan Hill for which there are waiting lists of up to four years or more due to people moving into the area — —

Honourable members interjecting.

The PRESIDENT — Order! It is getting late and I am getting grumpy. The minister has just started to respond; I ask honourable members to allow her to be heard in silence.

Hon. M. R. THOMSON — The honourable member asked whether an increase of labour is required or whether labour is required for longer periods. He asked that the minister look into the matter, assess the housing needs in the area and ascertain how the shortfalls may be met. I will refer the matter to the minister.

The Honourable Wendy Smith asked what taxes Labor will reduce for small business and when. The Bracks Labor government is concerned about the tax burden on small business in Victoria and considers it to be greater than the burden in the rest of Australia. It will review and try to alleviate some of the tax burden that has applied to small business.

The Honourable Gerald Ashman raised an issue concerning the renewal of leases on Crown land. He indicated that the leases have been in place for between 10 and 25 years, relate to viable businesses and contain options for renewal. He said the businesses are experiencing difficulty in exercising their renewal options and the negotiations are proving lengthy and in some instances expensive. The honourable member asked for a clear statement about whether the government would honour the leases. I suggest the honourable member write to me with the details of the leases so I can follow up the matter on his behalf.

Hon. J. M. MADDEN (Minister for Sport and Recreation) — On the question asked by the Honourable Peter Hall — —

Honourable members interjecting.

The PRESIDENT — Order! The minister!

Hon. J. M. MADDEN — Thank you, Mr President. On the question asked by the Honourable Peter Hall concerning the position of the Gippsland Falcons in the National Soccer League and the potential agenda of the soccer league to streamline the competition from 16 teams to 12, I would be happy to meet with the

representatives of the club to discuss the matter at the earliest possible time.

In relation to the question from the Honourable Bill Baxter concerning the penalty for breaches relating to the clearing of native vegetation within the City of Greater Shepparton being only $100, I indicate that I will refer the matter to the Minister for Planning in the other house.

The question from the Honourable Ron Bowden, which was rather detailed, concerned Mr Donato and his family at Mount Martha and the retail sales of hydroponic produce from their property. I will raise the matter with the Minister for Planning in the other place.

Dr Ross drew my attention to a photograph appearing in the *Herald Sun* in which I appeared not to be wearing a helmet.

Honourable members interjecting.

Hon. J. M. MADDEN — There were a number of photographs. In one I was wearing a helmet, but in the one published I was not. As the Honourable Graeme Stoney pointed out, I had one foot planted on the ground — basically because I was concerned that I might fall off.

An Honourable Member — If you are going to fall off, wear a helmet!

Hon. J. M. MADDEN — I would like to put on the record that the bike was stationary. However, I see the issue as serious and significant and I offer my wholehearted apology to any member of the community who may be disturbed by my portrayal in the photograph.

The final question asked of me came from the Honourable Bruce Atkinson. It relates to the early retirements of a number of school principals and their superannuation entitlements. I will raise the matter with the Minister for Education in the other place.

Motion agreed to.

House adjourned 11.48 p.m.

Joint Sitting of the Legislative Council and the Legislative Assembly

Wednesday, 15 December 1999

Victorian Health Promotion Foundation

Honourable members of both houses assembled at 6.17 p.m.

The Clerk — Before proceeding with the business of this joint sitting it will be necessary to appoint a President of the joint sitting.

Mr BRACKS (Premier) — I move:

That the Honourable Alex Andrianopolous, MP, Speaker of the Legislative Assembly, be appointed President of this joint sitting.

Dr NAPTHINE (Leader of the Opposition) — I second the motion.

Motion agreed to.

The PRESIDENT — I thank honourable members from both houses for the honour they have bestowed on me. I draw the attention of honourable members to extracts from the Tobacco Act 1987, which have been circulated.

It will be noted that the various provisions require that the joint sitting be conducted in accordance with the rules adopted for the purpose by members present at that sitting. The first procedure, therefore, will be the adoption of rules.

Mr BRACKS (Premier) — Mr President, I desire to submit the rules of procedure, which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

Dr NAPTHINE (Leader of the Opposition) — I second the motion.

Motion agreed to.

The PRESIDENT — The rules having been adopted, I am now prepared to receive proposals from honourable members with regard to members to be elected to the Victorian Health Promotion Foundation.

Mr BRACKS (Premier) — I propose:

That the Honourable Ronald Alexander Best, MLC, and Ms Jennifer Margaret Lindell, MP, be elected to the Victorian Health Promotion Foundation.

I understand they are willing to accept the appointments if chosen.

Dr NAPTHINE (Leader of the Opposition) — I second the proposal.

The PRESIDENT — Are there any further proposals?

As only two members have been proposed I declare that the Honourable Ronald Alexander Best, MLC, and Ms Jennifer Margaret Lindell, MP, be elected as members of the Victorian Health Promotion Foundation.

I now declare the joint sitting closed.

Proceedings terminated 6.25 p.m.