PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

4 April 2001

(extract from Book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Burke, Ms Leonie Therese	Prahran	LP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
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Jasper, Mr Kenneth Stephen	Murray Valley	NP	Thompson, Mr Murray Hamilton	Sandringham	LP
Kennett, Mr Jeffrey Gibb [1]	Burwood	LP	Thwaites, Mr Johnstone William	Albert Park	ALP
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Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Wantirna	LP
Languiller, Mr Telmo	Sunshine	ALP	Wilson, Mr Ronald Charles	Bennettswood	LP
Leigh, Mr Geoffrey Graeme	Mordialloc	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 3 November 1999
[2] Elected 11 December 1999
[3] Resigned 12 April 2000
[4] Elected 13 May 2000

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WEDNESDAY, 4 APRIL 2001

Wednesday, 4 April 2001

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

PETITION

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

Buses: Lilydale telebus

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

The humble petition of the undersigned citizens of the state of Victoria sheweth that the citizens of Lilydale are concerned at the injustice of the availability of the telebus service and associated facilities to our area.

Your petitioners therefore pray that the Parliament of Victoria, the Minister for Transport, the Honourable Peter Batchelor, urgently review the present situation.

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

By Mrs FYFFE (Evelyn) (81 signatures)

Laid on table.

HOUSE COMMITTEE

Membership

Mr BATCHELOR (Minister for Transport) — By leave, I move:

That Mr Leighton be discharged from attendance on the House Committee and that Mr Stensholt be appointed in his stead.

Motion agreed to.

MEMBERS STATEMENTS

Land tax: investors

Ms ASHER (Brighton) — I refer to the significant unrest associated with the proposed increase in land tax in Victoria, even before the $1 billion tax slug proposed by the government. I have received many letters from people expressing concerns about land tax — for example, a $2000 bill in 2000 increased to $3600 in 2001. A further example of a land tax increase is $27 600 in 2000 to $41 000 in 2001. That person advises me that on one property the land tax is more than half the rental.

In further correspondence a person raised with me a land tax bill that increased from $6632 in 2000 to $16 530 in 2001. In a letter to the Treasurer dated 2 April this person states:

> If you continue to increase the rate I will pull out of investment property in Victoria. With the consequence of less property to rent, as happened when Paul Keating stopped negative gearing.

There is massive unrest about land tax in Victoria. I call on the Treasurer to rule out his $1 billion land tax grab.

Echuca: arts complex

Mr MAUGHAN (Rodney) — I congratulate the Shire of Campaspe and Southern Star Enterprises on the opening last Saturday night of the Paramount Cinemas and Performing Arts Centre in Echuca.

This innovative project between the Shire of Campaspe and private enterprise, with financial support from Arts Victoria, has resulted in the construction of a $4.5 million, three-cinema, 400-seat performing arts complex. Southern Star Enterprises is owned by four Echuca families, including Mr Steven Stubberfield, a local accountant who acts as financial controller of the group, Mr Tim Davey of Davey and Williams, which built the complex, and Mr Graeme Hollingsworth and his wife Deborah, who have the cinema expertise which has been a vital part of establishing the project.

Under a 20-year operational lease with the Shire of Campaspe, Southern Star Enterprises will operate the 400-seat auditorium, built to Arts Victoria standards, as well as the three cinemas with a combined seating capacity of 400 seats. This wonderful new facility will further enhance the attraction of Echuca–Moama as a tourist destination and encourage the development of the already very active performing arts in the Echuca community.

Weerama Festival

Ms GILLETT (Werribee) — I place on record the thanks of my community to the organisers of our annual local Weerama Festival. Senior Inspector Wayne Carson, Gerry Greenwood and Heather Marcus are the wonderful and dynamic team that produces the magnificent festival for my community every year.

The festival celebrates the whole of our community and places a special emphasis on young people. One of the events, the fashion awards, celebrates and rewards our young clothes designers. The Federation ball at the wonderful mansion at Werribee Park celebrates the role our community played at the time of Federation. Stussfest celebrates our young and talented musicians.

The street parade, which takes place on the Sunday of the festival week, has over 70 floats representing every community group and organisation in our community. We celebrate each of them and all of them. The final and beautiful conclusion to the festival is the torch light procession, which is a magnificent display by all five of our Country Fire Authority brigades.

The festival provides a wonderful opportunity to celebrate as a whole community. We feel this is one of the most strengthening things we can do for our community.

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

Seal Rocks Sea Life Centre

Mr PERTON (Doncaster) — The matter I wish to raise is the waste of some $3 million by this government on legal costs in respect of the Seal Rocks arbitration. As you are aware, Mr Speaker, the private operators of Seal Rocks Sea Life Centre invested a total of more than $28 million to establish a world-class tourist facility at the Nobbies on Phillip Island, over which they were in dispute with the Victorian government and engaged in arbitration.

On 27 June last year the Premier said on 3AW:

> … I'll abide by the decision of the umpire in this case, and the umpire under contract is someone that's agreed to by both parties.

Earlier this year the arbitrator ordered this government to release 200 documents. This government, which has claimed to be transparent, open and honest, has gone to the Supreme Court to prevent the release of those documents ordered by the arbitrator. The government has been beaten in the Supreme Court; a Supreme Court justice has ordered it to release the documents. However, in an absolute act of hypocrisy, the government still refuses to release the documents!

The $3 million that has been wasted ought to have been spent on conservation and the environment and on improving the facilities on Phillip Island. It is an absolute disgrace! It is an act of hypocrisy in relation to the government's claims of being open and accountable and it is an act of hypocrisy in that it is completely flouting the Independents charter! The cost of tax — —

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

Haemophilia: lawnmower ride

Mrs MADDIGAN (Essendon) — Today I would like to congratulate Tim Bentley from the New South Wales central coast, Joe Selvaggi from Melbourne, Bill Martin from Brisbane, and Tom Pieper from the New South Wales north coast — four gentlemen who rode lawnmowers from Canberra to Melbourne to raise money for the Haemophilia Foundation of Australia.

Luckily for them the weather was clement for the whole trip, as there is certainly not much protection on a lawnmower! They took nine days, mowing lawns at various schools and councils along the way, to finish up at Southbank, where they also mowed the lawn. When they arrived on Monday I was pleased to greet them on behalf of the Premier. In most of the country towns along the way they were greeted by the mayors, and they visited a lot of state schools to explain the nature of haemophilia.

Haemophilia is an illness that is not understood by the community at large. In Australia at least 1600 people have been identified as sufferers. The effects are greater than that; haemophilia affects families and the way people with this condition run their lives. Haemophilia is a nuisance disease because it is a condition that is not obvious and often sufferers do not get a great deal of sympathy from the community. One cannot tell someone has this serious illness just by looking at them. The trip was not only to educate people on haemophilia, but also to raise money for the cause.

Bass Coast: service delivery

Ms DAVIES (Gippsland West) — I bring to the attention of the house the significant level of concern felt by residents of Phillip Island over the service they receive from Bass Coast Shire Council. I estimate that around 500 or more people attended the community meeting in Cowes on Friday. Complaints made at the meeting ranged from feelings that the council bureaucracy is unresponsive and uncommunicative, and about the need for more island-based staff to enforce local by-laws and to deal with on-the-spot problems in timely fashion. There were complaints of a lack of maintenance of roads, paths, toilets and the foreshore, and a lack of car parking suitable to accommodate the sizeable visitor numbers to many townships on the island. There was frustration and a sense of powerlessness in the face of bureaucracy.

Many of the complaints are similar to those made by other people in the shire. Phillip Island residents, however, are better organised. There is an obvious need

for the shire to improve its responsiveness, service level and two-way communication with residents.

The chronic shortfalls of funding over many years, considering the relatively low rate base, has also exacerbated the problems. I hope the government will pay careful attention to the needs of smaller rural shires. Program-based funding usually offered on a dollar-for-dollar basis discriminates against smaller less affluent areas. A more significant proportion of funds being given as base grants to be used on locally developed priorities and direct services to locals would assist.

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

Aged care: places

Mrs SHARDEY (Caulfield) — I am pleased to welcome the federal government's announcement yesterday of an additional 1766 aged care places for Victoria. The Minister for Health must now stop using elderly Victorians to excuse his incompetence in managing Victoria's health care system.

When the Federal government came to office in 1996 an extra 10 000 aged care places were needed. Labor had sold us short. The federal government has increased the number of aged care places by nearly 50 per cent. In January this year an extra 2300 residential care places and an extra 1600 community care places were provided for Victoria.

Since 1996 Victoria has benefited by an increase of 11 000 places, including 7000 in the last two rounds. This took the required ratio to 104.6 places per 1000 Victorians over the age of 70 years. Under Labor, in 1985 the ratio was a miserable 81.8 places per 1000 people over the age of 70. It was the former federal Labor government that set the formula of 100 aged care places per 1000 people over the age of 70. Labor never met that formula.

Our new allocation will take Victoria well over the Australian national benchmark set by Labor. Minister Thwaites can no longer use the elderly as a scapegoat for his incompetence.

Bendigo: *Big Issue*

Ms ALLAN (Bendigo East) — Last Thursday I was pleased to launch with the mayor of the City of Greater Bendigo, Laurie Whelan, the *Big Issue* magazine to the streets of Bendigo. It is a welcome initiative to help unemployed and homeless people to help themselves. This was the country launch in Australia of the *Big Issue* magazine. Many honourable members who live in metropolitan Melbourne would be familiar with the vendors who sell the *Big Issue* on the streets of Melbourne, particularly in and around the city. The concept is designed to help homeless people gain some income and develop some skills and confidence. I am very pleased that it has come to Bendigo.

I commend the manager of the Bendigo Body Shop, Liz Fletcher, and Anna Burchall from Tenancy Support and Consultancy Services for having taken the initiative and bringing the *Big Issue* to Bendigo to help homeless people, because Bendigo does have a homeless problem. In the 1996 census 470 people were identified as homeless, and that number is expected to increase as the census night data collection for homeless people will be changed to become more sophisticated so that homeless people are sought out.

The introduction of the *Big Issue* to Bendigo is a recognition that places such as Bendigo in country Victoria face similar social problems to those of metropolitan Melbourne.

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

Industrial relations: seminar venues

Mr ASHLEY (Bayswater) — The 20 February 2001 edition of the *Knox News* contained an amazing advertisement. It was an invitation to the business community of the outer east from the Minister for Industrial Relations to some kind of magical mystery tour. The advertisement beckoned businesses to get the lowdown on the government's current industrial relations bill. It was headed 'Get the facts on fair employment'.

So much for the magical part of the tour — what about the mystery? That is to be found in the nominated venue. Business managers were invited not to a venue in Knox or Maroondah, not even to one in Box Hill or Kew or Hawthorn. Even the western suburbs was too short a distance to travel. The venue was out in country Victoria and, dare I say, even beyond the sweeping arc of the regional cities of Geelong, Ballarat and Bendigo. It was — wait for it — held at Horsham Rural City Council chambers at Roberts Avenue, Horsham. Time, 2.30 p.m. that day. Pity that, given that most *Knox News* readers would not have been able to get there because they would not have received their newspapers by that time of the day.

This invites the question: does the government know where the outer east is? Does it know where Horsham is? Apart from the senseless waste of money involved,

it only goes to show that under Labor when it comes to the outer east it is a case of 'outa sight, outa mind'. When the minister finally got back from western Victoria to the venue in Bayswater the following morning, no wonder only 14 people turned up to hear what she had to say!

Schools: class sizes

Mr LONEY (Geelong North) — I inform the house of the achievements being made in state education in the northern suburbs of Geelong under the Bracks government. Recently released class size figures for primary schools in this area show that all of my local state schools have benefited from the minister's determination to end the years of decline and neglect that were the outstanding feature of the Kennett government's education policies.

Among the achievements are that at Corio Primary School the average prep to year 2 class size has dropped from 27.1 in 1999 to 21.6 this year. At Rosewall Primary School class sizes have gone from the Kennett government's 26.3 to 19.8 this year. At Corio West Primary School the average prep to year 2 class sizes have gone from the massive Kennett 25.6 to 20.66.

The SPEAKER — Order! The honourable member's time has expired. The time set down for members statements has also expired.

COMMONWEALTH–STATE FINANCIAL RELATIONS

The SPEAKER — Order! I have accepted for discussion the following matter of public importance submitted by the Treasurer:

> That this house notes the difficulties facing the state government in meeting the demands of Victorians for services and improved infrastructure in the absence of a fair share of commonwealth revenues and calls on the Howard Liberal–National government to end policies that discriminate against Victoria.

Mr BRUMBY (Treasurer) — This morning I bring to the attention of the house the major concerns the government and I would hope all members of this house have with the current system of commonwealth–state financial relations, which continues to work against the interests of Victorians.

To put this in perspective, it means that in the next year for every dollar a Victorian pays in GST, for example, just 83 cents comes back to Victorians. So every dollar we pay goes up to Canberra and is distributed to the states — and how much comes back to Victoria? Just 83 cents!

Which state is most severely penalised by the GST and the intergovernmental agreement signed up by the Howard federal government and the former Kennett government? Victoria. Which state gets the least return out of every $1 paid in GST? Victoria. Only 83 cents is returned from each $1 that is paid. The fact is that the GST is no windfall to Victoria or indeed any other state. The federal Treasurer has conceded that in Victoria's case it will not be before the 2007–08 financial year that Victoria will get ahead under the GST.

Last Friday when the commonwealth and state Treasurers met at the Treasurers council in Canberra, the joint communique released by state Treasurers called on the federal government to cease perpetuating the myth that the GST is a revenue bonanza for the states, because nothing could be further from the truth. As I said, this year Victorians will pay a staggering $1.3 billion in subsidies to other states. I know that under the Bracks government the Victorian economy is powering along better than any other economy in Australia. We have a strong budget position, a strong economy, strong retail sales and a better economic performance than any other state. But even with this better economic performance I must say that we cannot continue to subsidise the other states to the tune of $1.3 billion per annum. Worse still, if honourable members look at the recommendations in the latest report of the Commonwealth Grants Commission they will note that the amount Victoria subsidises the other states will continue to grow. I note some members of the opposition seem not to be taking this issue seriously, and I urge them to do so because — —

Ms Asher interjected.

Mr BRUMBY — Well, you're hardly in a position to talk, are you?

Ms Asher — I will talk all I like.

Mr BRUMBY — You will invite a response on that!

As I said, of that $1.3 billion, $960 million is the penalty Victoria is paying in GST revenue not received, and $300 million is the lack of a fair share in specific purpose payments.

As one of the stronger states, Victoria has always had a strong commitment to federation. It is appropriate that as one of the stronger states Victoria should be helping to assist the weaker economies. We should be helping

to assist Tasmania, the Northern Territory and South Australia to some extent, but I think all Victorians draw the line at subsidising the Australian Capital Territory and Queensland. Victorians work hard to pay their taxes, and the average Victorian family will be paying $700 a year in subsidies to other states. To put it another way, each year $198 for every Victorian man, woman and child goes to the other states. The government is saying that this has gone too far. This is a rip-off for Victorians and it is time this antiquated, outmoded, ramshackle and blatantly unfair system was reviewed.

Opposition members do not seem to understand this issue. They seem to support the current position of the Howard–Costello government.

Honourable members interjecting.

Mr BRUMBY — Now they are saying they support the current position of the Howard government transferring $1.3 billion a year away from Victorians to other states, including Queensland and the ACT. I can tell the house that the Bracks government says enough is enough. We do not mind supporting the weak states, but we are blowed if we are going to continue to support — —

Mr Steggall interjected.

Mr BRUMBY — In response to the interjection from the Deputy Leader of the National Party, the total subsidy paid next year for Queensland and the ACT will be in the order of $400 million, and it will be paid essentially by Victoria and New South Wales. But it is not just that. It is that Queensland and the ACT are not contributing to the weaker states of Tasmania, South Australia and the Northern Territory, so there is a double bite on this. If you take Queensland, for example, because of the massive subsidies we have been paying in the past it has no net debt and it has the lowest level of taxation in Australia. In those circumstances you have to ask why should it be that the Bracks government is paying for the schools, the hospitals, the police and the roads in Queensland? Why should we be doing that? The answer is that we should not.

The ACT has an average household disposable income level that is 40 per cent higher than the national average, yet we are subsidising those people. It is a bit like putting a levy or a tax on every Victorian to pay a subsidy to people who live in Toorak or Brighton. That is what we do when we pay this subsidy to the people of the ACT. Again we would say in the present environment, when you assess all the economic strengths and relativities of the various states, it is totally unacceptable and inappropriate that hardworking Victorian families should be subsidising Queensland and the ACT.

What we were looking for on this was bipartisan support, but it is apparent from the interjections that the only policy the opposition has on this matter is to support the Howard government and Treasurer Costello in what is a blatant tax rip-off from Victorians to subsidise other states, particularly Queensland and the ACT.

The present subsidy from GST grants is $960 million. Because of the federal government's decision to approve the latest report of the Commonwealth Grants Commission, Victoria's subsidy to other states will grow to almost $1.4 billion by 2004–05 — in other words, those relativities get locked in, they snowball and they increase dramatically. Unless the commonwealth government agrees to an outside review of commonwealth–state financial relations, Victoria will lose another $400 million over the next three years.

The government wants a bipartisan approach in this state to a fairer deal for Victoria under commonwealth–state financial relations, because what is happening at the moment is that Victorians are paying massive subsidies and are being ripped off by Howard and Costello's GST. For every dollar a Victorian pays Victoria gets back just 83 cents, and it is not until 2007–08 that Victoria will get ahead under the GST regime.

The other matter I want to raise — and a number of ministers following me in this debate will raise specific issues — is that Victoria gets ripped off not just in the general revenue grants but also with specific purpose payments. Treasury has recently completed an assessment of the cost of that, which I released at a conference at the Committee for Economic Development of Australia a few weeks ago. It shows that on a per capita basis Victoria is being ripped off to the tune of $300 million in specific purpose payments.

The biggest category is roads, where Victoria contributes 25 per cent of fuel excise revenue and are responsible for 26 per cent of national road travel. We have 27 per cent of articulated road travel and 23 per cent of Australia's bitumen road length. We generate 25 per cent of the nation's output, produce 21 per cent of the nation's exports and are responsible for 31 per cent of the nation's road freight movements. When you take all that into account, do you know what we get back from the federal government? Twelve per cent! The Victorian government says Victorians are being

robbed blind by the federal government, not only in relation to general revenue sharing but also in relation to specific purpose payments, particularly for roads.

If you look at other areas you find that Victoria loses out significantly in disability and supported accommodation services. Commonwealth funding for legal aid over the next four years will be flat, with no indexation. We will lose around $220 million over four years as a direct result of the federal government's refusal to accept the recommendations of the independent arbiter on cost indexation for the Australian health care agreements. So if you look at all of those things together, and others, you see that we are being ripped off to the tune of $300 million.

The Bracks government says enough is enough. We want a full, outside, independent review of these arrangements. What the Victorian government has made very clear to the commonwealth is that in the absence of such a review the three states of Victoria, New South Wales and Western Australia will appoint their own commissioner to undertake a review with a report by the end of December 2001.

We call on the opposition to support this position and to stand up for Victoria against what is a blatant rip-off of Victorians to the tune of $700 per family — $198 for every man, woman and child every year. I repeat: the government has no problem at all with the principle of federation or with supporting Tasmania, the Northern Territory and South Australia, but it draws the line when ordinary Victorians are forced to pay for the roads, the schools, the hospitals, the taxation arrangements — all those things — in Queensland and the ACT. This is a mess. This is just another mess in the long litany of messes we have inherited in government. The intergovernmental agreement signed up to by the former Kennett government and its cabinet ministers around the table — the Leader of the Opposition and the Deputy Leader of the Opposition — essentially provides a rotten deal for Victoria, just 83 cents out of every dollar.

We want it changed. We are pushing ahead with this, and we hope we will get some bipartisan support from the opposition. We hope they will recognise that the intergovernmental agreement they signed up to in government was not a good deal for Victoria. It means we do not get any benefit from the GST until 2007–08. We urge the opposition to support the government here in calling for a complete overhaul and review of the federal government policies that actively discriminate against Victorians.

Ms ASHER (Brighton) — What an extraordinary matter of public importance. Here we have a Treasurer who has the Harvey report on his desk — an example of enormous political mismanagement on his part. He has small business annoyed, he has small investors annoyed and he has Tabcorp shareholders annoyed. He has a whole range of people offside. He has the construction industry offside. He has a huge report on state taxation reform on his desk, and what does he do? He decides to discuss as a matter of public importance longstanding arrangements between the commonwealth and the states.

For the record, the Liberal Party does not believe we should subsidise Queensland either, but the great tragedy is that the Treasurer thinks he has just discovered this. He thinks this is something new. Let me give him a bit of a history lesson.

I refer to the Hamer–Thompson Liberal government and an article in the *Australian Financial Review* in 1980. Premier Hamer and Treasurer Thompson wrote an open letter to Victorians. The letter was entitled 'Victoria — The Father Christmas of Australia'. In 1980 these two gentlemen made the same point — that is, that the arrangements between the commonwealth and the states do not:

> … take fully into account the effects of the enormous economic growth in states such as Western Australia and Queensland, in particular, as a result of the mineral boom of the last decade.

Just in case the Treasurer thinks he is on to something new here I remind him that Victoria has always subsidised Queensland and it is wrong. As Premier of Victoria Lindsay Thompson said on 14 June 1981:

> Since the early 1940s, Victoria has been contributing much more per head of population to the pool than it has received back to cater for the needs of its own citizens.
>
> For many years it was appropriate to make some contribution in this way.
>
> But the 'cinderella' states have now become the princesses of ripening potential and need our help much less than they did before.

I note that the Treasurer has left the chamber. He is not interested in this history lesson; he thinks he is on to a brand new issue. The issue was the same in 1981, but one of the differences between now and 1981 is Premier Thompson said he put in a submission of over 40 volumes to address this issue. Where is the Treasurer's submission? I will bet honourable members one thing — that is, that Treasurer Brumby has not put in a submission of over 40 volumes to the

commonwealth on this because he would not be capable of putting it together.

I move to another quote from Lindsay Thompson, the then acting Premier. On 24 May 1981 he spoke on the same theme and said:

> In the last 10 years Victorians contributed no less than $10.1 billion to a fund known as 'the tax sharing pool' which is shared between state governments. During those same 10 years we got back only $8 billion. In other words, Victoria played 'Father Christmas' to the other states …
>
> Perhaps that wouldn't matter so much if Victoria could easily afford it and the other states had a more critical need for our money.
>
> But the fact is that Victoria has to make up the difference through state taxes.

At least this person was honest; he knew that state taxes are the critical issue here.

I wish to place on the record the fact that the system set up under the ANTS (A New Tax System) agreement — which was signed off by Labor premiers Carr, Beattie and Bacon — means the Commonwealth Grants Commission will allocate the pool. That commission is independent and hears submissions. I note that the federal Treasurer has told the state treasurers to make a submission. He said that if they can come to an agreement the commonwealth will change the way the money is allocated. The sticking point is not Treasurer Costello but Premier Beattie, the Queensland Labor Premier. He has been the one indicating to other Labor treasurers that he will not budge on this issue.

Another point I raise is that all goods and services tax (GST) revenues go to the states and they are distributed by the Commonwealth Grants Commission in the proportion decided upon by that commission. Where is the 40-volume submission from Victoria? Has Victoria put in a submission to alter these arrangements? To date, Victoria has received $3.6 billion in GST. Let there be no mistake about it, Premier Bracks and the Labor Party like the GST. On 13 June last year Premier Bracks said on ABC radio that:

> Whilst I have a difference, and our government has a difference with the implementation of the GST, nevertheless it will provide long term a growth tax for the state, which is something that we've been after for some time.
>
> … a growth tax based on consumption will give us an ability to match our services with a revenue base is which is growing also.

Make no mistake about it, the Labor Party wants this revenue stream. The issue here is one of horizontal fiscal equalisation. Treasurer Brumby is fraudulently trying to make out that the GST has changed the arrangements within the federation and it has not. These arrangements have existed since the 1940s. Victoria should not be subsidising Queensland but the inequity and the imbalance is not due to the GST; it is due to horizontal fiscal equalisation. It is due to the fact that we live and operate in a federation and since the 1940s the smaller states have been subsidised by the larger states. I repeat: I do not think Queensland should be subsidised because of its own fiscal circumstances.

The interesting thing is that Michael Egan, the New South Wales Labor Treasurer, knows what the problem is, he knows the problem is not Peter Costello. I refer the house to an advertisement placed in New South Wales newspapers by the New South Wales Treasurer. It pictures a cane toad under the heading 'Guess which state gobbles up $190m of NSW taxes each year?'. The New South Wales Treasurer's advertisement states:

> Queensland is subsidised by other states to the tune of a staggering $360 million a year.
>
> That's why Queensland is the only state with no government debt. And why Queensland can afford to subsidise petrol prices by 8 cents a litre.

The New South Wales Labor government knows where the problem is. It has used taxpayers' money to place ads in the newspapers clearly indicating that if Labor Premier Beattie changed his mind and came to an agreement then New South Wales and Victorian taxpayers would have additional funds. Treasurer Costello is on the record as saying that he will change the rules if the states agree. However, first of all — this is where Treasurer Brumby is in such a weak position — the Treasurer has to pick up the telephone and ring his Labor mates. He has to call Premier Beattie. The problem is Queensland. New South Wales Labor knows this but it appears that Victorian Labor is not quite aware of it at the moment.

I turn now to the issue of infrastructure. I note that the motion refers to the funding of infrastructure. The problem for this Treasurer is not money — he has set aside $1 billion in the Growing Victoria fund and he will probably have another $1 billion surplus this year. The Growing Victoria fund is a top-up capital works fund in addition to the 1 per cent of GSP (gross state product) contribution to capital works. Let us look at what has been done according to the record. The opposition is in the Victorian Civil and Administrative Tribunal fighting this one, but honourable members can look at the record of what has been done with the Growing Victoria infrastructure fund. Firstly, some $64 million has been allocated in 2000–01. Opposition members do not know where because the government will not tell us. That is a secret and the opposition is

going to VCAT to find out. The rest of the money is to be allocated in future years. There will be $312 million in each of the next three years and the run-up to the next election.

The problem is not money. Treasurer Brumby has his slush fund, his Growing Victoria fund and his top-up capital works fund. The problem is the government. This is a government that has not announced one major project. This is a government that has not initiated anything in terms of infrastructure. The problem is not money; it has an amount of money that most governments can only dream about.

I turn now to the issue of revenue. I note that the motion refers to the state government's difficulties in meeting the demands of Victorians for services. The motion brings into question why the Treasurer needs additional revenue. Why is he seeking a $1-billion land tax grab? Because he wants to spend it. Why is the Treasurer pocketing $130 million every year by levying stamp duty on GST-inclusive prices? Every honourable member who has received an insurance bill knows that this government has chosen to levy stamp duty on GST-inclusive prices. That gives the Treasurer another $130 million a year, and he is not giving that to the people because he wants to spend it.

Treasurer Brumby has already spent an extra $900 million from last year. Honourable members should have no doubt about it — he is a big-spending Treasurer. On top of that, through windfall gain the government will receive an extra $1 billion in taxation revenue and it will pocket that. The government will receive another surplus of around $1 billion. What is the Treasurer going to do with it? He will use it on capital or recurrent expenditure because he does not have to pay back debt as the previous government did. The Treasurer has the luxury of not having to use his surplus to repay debt. He has the luxury of not having to sell off assets to repay debts which were incurred in the first instance by the Cain Labor government.

Honourable members should make no mistake about it. This is a high-spending Treasurer spending on wage deals with public sector unions as a means of paying them back for the last election. This guy wants that extra $1 billion from land tax to spend. That is his hallmark.

I turn again to Michael Egan, the New South Wales Labor Treasurer, because it is interesting to see what he would do should he get his Labor mate, Queensland Premier Beattie, to agree to a rejigging of the Commonwealth Grants Commission allocations. Michael Egan shows the fundamental difference between the New South Wales Labor Party and the Victorian Labor Party, because if he got additional revenue he would not spend it but would give it back to the people of New South Wales in the form of tax cuts. I refer to a media release issued by Michael Egan on 28 March, which states:

> NSW Treasurer Michael Egan today promised to increase promised tax cuts in the May state budget, if New South Wales is successful in its campaign for a fair share of commonwealth funding.

Treasurer Brumby wants the money to spend, but NSW Labor Treasurer Michael Egan wants to give the money back to the people of New South Wales in the form of tax cuts. That is the real and fundamental difference between the two Treasurers.

I turn now to Treasurer Brumby's views on various Treasurers, which show why he has little credibility. I refer in particular, because I think it says it all, to the current Treasurer's role models and those he most admires. It is instructive to look at the record when Treasurer Brumby was the federal member for Bendigo. In the commonwealth Parliament on 22 September 1983 the then honourable member for Bendigo was talking about his role models. At the time John Cain, Jr, was the Premier, and Rob Jolly was the Treasurer. He stated:

> The Cain government has led the way. The Victorian Treasurer is the most adventurous and at the same time responsible Treasurer of any state.

This shows the credibility of Victoria's Treasurer. He does not want to give tax cuts, he wants to spend the money. He admires Rob Jolly, and he was prepared to place on the record that he believed Rob Jolly was:

> …the most … responsible Treasurer of any state.

This is the Treasurer's record. I am in the mood to hand out advice, so I will give him a piece for his political benefit. Matters of public importance are meant to be controversial and to flesh out differences between the parties. Treasurer Brumby has got it, because the opposition does not think Victoria should be subsidising Queensland! The tragedy is that this non-performing, overconfident Treasurer will not act on the Harvey report and has the gall to attack one of Australia's finest Treasurers — Peter Costello. He should hang his head in shame.

Mr STEGGALL (Swan Hill) — I congratulate the Deputy Leader of the Opposition and shadow Treasurer on her contribution. It has been refreshing, because when I saw the matter of public importance I thought that for the first time in a long time the Parliament might be able to have a discussion on something that

virtually all honourable members agree with. Most Victorians agree with the points made by the Treasurer. If one forgets the last couple of lines of the matter, honourable members might have expected to find out for the first time where Victoria is travelling and what the government is thinking.

Honourable members did not get any of that, they only got the rhetoric that has been heard for many years, as mentioned by the Deputy Leader of the Opposition. If one examines history one sees that the rhetoric goes back to Federation in 1901, when Western Australia, Queensland and probably South Australia were keen to make sure they were given some fiscal equalisation to compensate for the tariff protection that New South Wales and Victorian industries were getting.

It is interesting to look back to see that in the past 100 years there have been three major protection regimes in Australia, one for each area of politics. We have had tariffs from the Liberal Party, central wage fixing from the Labor Party and the orderly marketing of agricultural products from the Country and National parties. They became the three protections. From Federation until the 1980s no government, no matter of which complexion, touched any of them. It was not until the 1980s, when they all started to fall over in a natural way, that things changed. Following Federation equalisation processes were established to get the money flowing. A federation is not just six states and some territories coming together; there must be financial arrangements to make it work. The principles have been based on the notion that the strong will assist the weak.

The Treasurer and the Premier have argued that some of the states are reaching the stage where they can stand on their own feet and do not need to be assisted. The National Party agrees with that and has argued the same for many years,

The Commonwealth Grants Commission is the organisation set up to arrange funding and equalisation. It works on the principle that state governments should receive funding from the commonwealth such that if each made the same effort to raise revenue from its own sources and operated at the same level of efficiency each would have the capacity to provide services at the same standard. That is the principle by which the grants commission operates.

The Treasurer had a marvellous opportunity today to explain what changes Victoria wants from the commission, but honourable members did not hear it. Honourable members know that if state Treasurers can agree to a change in the level of contributions made and the distribution of commonwealth funds, the commonwealth government will agree to it.

I hoped the Treasurer would tell us today what Victoria wants that is different from what it already has. Unfortunately, he did not do that. It interesting that the Victorian government, being a service government, raises around only half of the revenue spent; the commonwealth raises the other half. That is important to remember. In a federation, service governments, such as those in Victoria, New South Wales and South Australia, do not raise all the funds that are spent; the commonwealth raises 50 per cent of the taxes for budget revenue. Victoria must be able to argue and enter into discussions with the federal government and the other state governments to ensure that the distribution of funds in Australia enables the weaker states to be assisted by the stronger states. We all agree with that; there is no argument about that. However, we did not hear today what the Treasurer wants and what the government is submitting to the commission. It was sad to hear that the Treasurer now wants an independent review. I hope the treasuries of Victoria and New South Wales are capable of putting coherent and reasonable submissions to the Commonwealth Grants Commission for a fairer and more acceptable distribution of GST funds and specific purpose grants.

Interestingly, the Treasurer's reference to specific purpose grants was a bit hazy: he merely said that Victoria wants more of this and more of that and that it is not getting a fair deal. He would not tell the house what Victoria is asking for. The opposition shares his opinion that Victoria does not get a high enough percentage return on the money raised on fuel and other taxes, but they are not dedicated taxes — they go into the general revenue coffers and are then distributed. What we need to know but did not hear today is what the government wants. Maybe if the Treasurer comes into the house he may be able to tell us.

What is Victoria asking for in this interesting and challenging debate? One of the basic issues of Australia's federation is how the states share the cake to help each of them move forward. The motion is rather sad because the Treasurer has decided that he wants to put a political tag on an issue that has concerned all state and federal governments for the past 100 years. I wonder whether the Treasurer has an opinion on the roll-back of the GST by the federal opposition; he did not refer to that. I wonder whether the federal opposition is capable of making the changes the Treasurer has insinuated should be made by the federal government. I do not believe the matter will be resolved by a federal government making unilateral decisions on the issue.

Horizontal fiscal equalisation is a horrible term but it gets away from the notion of allocating money on a per capita basis. People, particularly those from country Victoria, understand they will lose from anything that has a per capita funding tag on it. Other states that are not as densely populated as Victoria will experience the same thing. Horizontal fiscal equalisation distributes the funds more equitably, but Victoria cannot get it.

I wonder whether the Treasurer is prepared to make available the submission made by the government, if it has made a submission, to the Commonwealth Grants Commission review. What is he doing, apart from engaging in short public bursts of rhetoric, to convince people that the real issue in Victoria, and probably New South Wales, is how to overcome some of the problems that seem to exist in relation to Queensland and the ACT? What is the government doing to correct the situation?

The Treasurer's contribution today was disappointing. It is a golden opportunity for those of us interested in federation issues and the distribution of funding throughout the commonwealth to get an idea about what the arguments are and how Victoria can progress the discussion. The Treasurer has failed Victoria in that regard, yet he has left the chamber — he will not participate in the debate as he should.

Ms CAMPBELL (Minister for Community Services) — It is with pleasure that I make a contribution to the matter of public importance raised by the Treasurer:

> That this house notes the difficulties facing the state government in meeting the demands of Victorians for services and improved infrastructure in the absence of a fair share of commonwealth revenues.

I join with the Treasurer in calling on the federal Howard Liberal government to end the policies that discriminate against Victoria.

I will raise the issues that particularly affect my community services portfolio. The Bracks government was forced to provide funding for community services and basic humanitarian needs for temporary protection refugees because of the federal government's decision to provide them with temporary protection visa (TPV) status, which denied them access to basic income, education and integration support. This government and community organisations in this state have been forced to foot the bill for the basic needs of refugees — needs this government considers to be subsistence level needs.

As a result of contributions by community service and welfare organisations and the state government, and with the support of Victorians, the mean-spirited attitude of the commonwealth government has been ameliorated. It is mean-spirited and un-Australian to acknowledge the legitimate refugee status of these people but then deny them help and support. While the commonwealth Minister for Immigration and Multicultural Affairs, the Honourable Philip Ruddock, has acknowledged these people as legitimate refugees, he has consistently maligned them and denied them access to basic services.

Unlike the commonwealth's attitude, Victorians are not prepared to stand by and watch people who have left torturous situations in their own homelands suffer extreme poverty and discrimination because of the cheap politics of the Howard government.

In October 1999 the commonwealth government introduced three-year temporary protection visas for people who had arrived in Australia unlawfully but who had subsequently been recognised as genuine refugees who might be eligible for permanent residency. All honourable members would know that the majority of TPV holders are either Afghanis or Iraqis who have entered Australia by boat. They arrived in Australia with nothing and have been detained at Port Hedland and Curtin in Western Australia or Woomera in South Australia.

Victoria supports the decision of the commonwealth to allow TPV holders to move into the Australian community. However, I will advise the house on the way the commonwealth has progressed the needs of these people after their release. After being placed in detention centres and guarded by prison-system guards, they are released into the community. The Department of Human Services has received advice from the federal Department of Immigration that as at 30 December 2000, 3866 TPVs have been granted.

At the same time, a further 4476 applications for TPVs have been received from people still held in detention. It is likely that by the end of 2001 more than 1100 TPV holders will have been released into Victoria. Honourable members who reside in the Shepparton, Greater Dandenong, Darebin and Sunraysia areas will know that large numbers of TPV holders that have been allocated to other states are coming to Victoria because of their friendship with and cultural ties to families already here. Conservatively, Victoria is looking at providing for 1100 TPV holders that the commonwealth is not adequately supporting.

The commonwealth has budgeted for the provision of services to these people. For each person granted the status of TPV holder for the coming three years the commonwealth is subtracting one more from the total number of refugees approved from offshore. By withholding essential support services it appears that the commonwealth is saving itself a tidy sum. The Bracks government estimates that in this calendar year it will be investing $12 million for the 1100 TPV holders allocated to this state.

Since last October all states have consistently raised with the commonwealth several issues concerning the conditions attached to TPVs, including the impact of cost shifting for settlement services from the commonwealth to the states and voluntary organisations. I will run through some of those costs

In February, the Department of Human Services estimated the cost to Victoria of services that should be picked up by the commonwealth government. Last year the state government provided $40 000 to the ecumenical migration centre for direct settlement support. In February this year $100 000 was allocated from the Department of Human Services for organisations that were prepared to and had been supporting TPV holders. That money should not come from Victorian taxpayers but from the commonwealth, because the commonwealth is deducting the TPV holders from the overall refugee take. From the allocation of $100 000 central Victoria received $20 000; north-west Victoria, $10 000; southern Melbourne, $30 000 and northern Melbourne, $40 000.

The Victorian government's accommodation, human services and other support services, together with community groups, provided a further $460 000 — I stress that that is a conservative figure — and in direct support, which is again a conservative figure, a further $125 000 was provided. I am not referring to a Rolls Royce service, but to direct support such as a mattress on a floor. Many people are located in the one house, and rent assistance is provided by voluntary organisations. Conservatively, all that support amounts to $625 000.

The costs saved by the commonwealth government until early February included those on English classes, $4000 an adult and $3500 a child; job seeking assistance, $4600 an adult; settlement support, $900 an adult; and accommodation, $1150 an adult. Those savings total $5 million.

The Bracks government has picked up that amount because it does not want to see people going hungry and homeless. The commonwealth government is saving $12 million this year, and it should be providing its fair share.

In addition, the commonwealth government is skimping on its unaccompanied minors program. Since the commonwealth refused to renegotiate its 1985 agreement on cost sharing, the Victorian Department of Human Services is picking up the provision of support for unaccompanied minors, those aged between 13 and 17 years who have come to this country without any family — no parents, no other family members at all. Those children are getting minimal support, and Minister Ruddock is responsible for them.

Regrettably, the commonwealth government has been very slow to address the unresolved concerns raised by the Minister assisting the Premier on Multicultural Affairs and me. We have consistently sought the participation of Minister Ruddock in the provision of better assistance and better funding models for unaccompanied minors. I repeat: it is Minister Ruddock who is responsible for supporting these young children.

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

Mr COOPER (Mornington) — The Treasurer's contribution to this debate on the matter of public importance moved by him is a sad one. What we heard from the Treasurer is a sad admission, one that can only be described as hypocritical, that the promises the Labor Party made prior to the 1999 general election, promises and commitments that he repeated for some time after that election, have conditions attached.

That was not said prior to the election. The Victorian public was not aware that the promises made by the Labor Party prior to the general election were conditional. There was no mention of conditions on those promises until it became obvious a few months ago, apparently, that the party had set its own high jump bar at a level it will not be able to attain.

What was Labor's solution when it was confronted with that scenario? Labor members had made a raft of commitments in the run-up to the 1999 general election in the almost certain knowledge that they were not going to be elected to government — but surprise, surprise, they were! What happened after they got onto the Treasury benches and discovered that their commitments were far in excess of their ability to fund? What did they do? That self-inflicted wound was dealt with by the Treasurer in three ways.

His first way was to blame the federal government, no matter whether the criticism was accurate or had any validity whatsoever. We have seen a bit of that today.

The Treasurer is trotting out blame as if the idea that there is a problem between the states and territories and the federal government about revenue is news. As the Deputy Leader of the Opposition said in her contribution, the Treasurer is simply trotting out a line that has been around for decades, and certainly since the Second World War. We all know there is a longstanding problem with the divvying up of federal revenue to go back to the states and territories. It has been the subject of debate after debate for many decades, but the Treasurer speaks today as if the matter is something he has just discovered and will now bring to the attention of the Victorian people. It is not new news but simply an old excuse. His first attempt to deal with his self-inflicted wound, therefore, is to try to blame the federal government.

The second attempt by the Treasurer to deal with the problem can be seen in the review of state business taxes — namely, a government intention to raise state taxes such as land tax in the next budget, hauling thousands of extra people into the land tax net. The Treasurer is intent on inflicting a $1 billion land tax grab on commercial property owners around the state.

His third way of dealing with it is to dingo out on promises to provide meaningful tax relief. This is the typical approach, to dingo out of it and hope you can get away with it. In all of the rhetoric he is spewing out on this matter, the people will see that he is nothing more than a hypocrite and a dingo. I suggest that if he is allowed to get away with it the next *Macquarie Dictionary* will include a term 'to Brumby', meaning to not keep one's unequivocal promises, and 'being Brumbied' will mean to suffer broken promises. The Treasurer will have done it to himself.

On 3 February 2000, in a speech by the then Minister for Finance, Mr Brumby, to the Telstra Political and Economic Overview 2000 Seminar, held by the Committee for Economic Development of Australia, he said on page 2 of that long speech — so long I deserve credit for reading it all:

> … an important priority is delivering improved services to the community …

And on the following page:

> Since coming to government we've been able to demonstrate that our commitments are achievable and that we will still leave the surplus in better shape than was expected at the last state budget …

That is an amazing admission from the now Treasurer, given that in February 2000 he was saying all the commitments made by the Labor Party prior to the 1999 election could be met and that the budget would still be in surplus and in better shape than the previous state budget had been. Yet today the Treasurer is telling us in his motion that the government is having 'difficulties' meeting the demands of Victorians for services and improved infrastructure. Isn't it amazing the difference a little bit of time makes, and a little bit of reflection on hopelessly rash promises? That is what we are dealing with today.

We are dealing with rash promises that were made by a political party that was prepared to say and do anything to get into power. Now the political party has been put on the government benches by three Independents and is being told it has to meet those commitments — and it knows it cannot.

Today the Treasurer is doing his dingo act, saying 'I know the government can't do it, therefore I'm going to try to get a scapegoat'. Of course he will make the federal government his scapegoat, if he possibly can.

It was interesting to hear him talk, because we know this man's history. He has not been a member of just this Parliament. He was a member of the other place before he came here as the honourable member for Broadmeadows. Before that he was the federal member for Bendigo — until that electorate woke up to him.

Today, as the Treasurer of this state, he is embarking on a trek he argued vigorously against when he was the federal member for Bendigo and supported the point-blank refusal of the then Treasurer, Paul Keating, to hypothecate revenue back to the states. That is also what this Treasurer was arguing, along with his colleague from New South Wales, Michael Egan, at the conference with the federal government last week. Both of them were arguing that the money that has been contributed by taxpayers should come back to them. That is hypothecation! Who in this Parliament would argue against that? I suggest to you, Mr Acting Speaker, that no-one would say anything against it. The opposition thinks it is fair and reasonable.

However, Paul Keating did not think it was fair and reasonable when he was the federal Treasurer, and interestingly he received strong support from one of his backbenchers at that time, the honourable member for Bendigo, now the Treasurer of Victoria, John Brumby.

Victoria has a chameleon for a Treasurer. He will argue any point, regardless of whether he believes it or not, just to suit the time of day! He will take one position today, another position tomorrow and yet another position on day three. He will take whatever seems to be the populist position. We have a Treasurer who does not believe in anything, except himself and in the story

that he happens to be spewing out of his mouth at any particular time.

This matter of public importance deserved better from the Treasurer. All we heard was empty rhetoric and hypocrisy. We certainly did not get the truth!

Ms OVERINGTON (Ballarat West) — It does not give me a lot of pleasure to speak on this matter of public importance, because the commonwealth has once again put the burden of welfare responsibilities back onto the state by denying children in foster care, including their carers and families, access to health care cards, even though they meet the eligibility criteria.

Foster care parents provide an invaluable service to the community by providing either temporary or long-term care for children who are unable to live with their families — and unfortunately we have many of them. If foster care givers are not available these children will be placed in residential care at a much higher cost to the state and without the personalised care provided by a family environment.

The states, by way of the community services ministers' committee, have requested the commonwealth to provide health care cards for children in foster care without means testing either the family of origin or the carer's income. Unfortunately it is becoming increasingly difficult to recruit foster parents because of the costs involved in caring for children. The lack of access to health care cards is contributing to this problem.

In the last financial year 1999–2000 Victorian foster carers provided more than $395 000 to purchase prescribed pharmaceuticals, medical treatment, dental services, ambulance services and orthodontic, optic and other specialist medical services for children in foster care, all because of Senator Newman and the federal government's failure to address this issue.

The Bracks government is committed to pursuing health care cards for all children in foster care without means testing either the parent or the foster carer. I consider this issue relevant to all children in care where the care giver receives a reimbursement.

At present applicants for health care cards must meet two eligibility criteria: firstly, the foster carer must qualify for the family tax benefit; secondly, the foster child must have been eligible for a concession card while living with their natural family prior to being placed in foster care. These eligibility criteria are not supported by the government. The linking of foster carers' incomes to health entitlements for the foster children in their care would seem to be based on a desire to limit expenditure rather than ensuring that disadvantaged children and young people who are entitled to it receive proper health care. How heartless can it get?

The removal of the eligibility criteria also has strong support from all Australian states and territories. At the July 2000 community services ministers' conference a resolution was passed to write to the former commonwealth Minister for Family and Community Services, the Honourable Jocelyn Newman, asking her to urgently review the means testing requirements for health care cards for children in foster care. This issue was again discussed at the July 2000 commonwealth community services ministers' conference, where it was agreed to seek a review of the means testing requirements for health care cards for children in foster care.

To date there has been no response. I urge that the commonwealth considers this request from all states so that foster care families can look after children requiring foster care in a way that does not, firstly, disadvantage the foster families, and secondly, disadvantage the children in foster care.

Mr McINTOSH (Kew) — This matter of public importance (MPI) is supposed to be about commonwealth–state relations, but what it really is is a demonstration that this government is guilty of incompetence, mismanagement, pandering to sectional interests and having a lack of vision of where it is going on any aspect of government — be it the economy or otherwise. It is also a demonstration of the government's complete inability to plan, implement or execute any aspect of government policy.

Whenever we talk about Victorian state government and commonwealth government relations three simple facts should be remembered. The first is that the issue of vertical fiscal imbalance between the state and the commonwealth is nothing new in Victoria and is certainly nothing new in Australia generally. The issue has been taken up by Premier after Premier and Treasurer after Treasurer in this state. When looking at the situation under the previous government there is no doubt that Victoria had a Premier who was quite voracious in his relationship and dealings with the commonwealth government. He was certainly a parochial Victorian Premier who was prepared to tackle those issues.

The second simple fact is that the legacy of the Kennett government is a great one. That legacy left us with a huge — $1.7 billion — surplus. That legacy develops into a miracle when you consider that when he came to

office the former Premier found he had been left a $2.2 billion deficit. The $1.7 billion surplus now flows on to the benefit of this government. But what has it done with that surplus?

The third simple fact is that Labor again in government has demonstrated that it is a high-taxing, high-spending government. At this stage — the first year into its term — the Victorian budget has some $900 million of extra recurrent funding. There is a $1 billion Growing Victoria fund, the details of what it has been spent on we do not know. More than $300 million of that fund is still to be allocated. What is the government spending it on? What I think it is spending it on is the development of a war chest with which to go into the next state election. Meanwhile the government is bleating about a lack of funds. Those funds exist. You inherited a $1.7 billion surplus. What have you done with it?

Look at the services the government is now delivering. Look at the area of health. Waiting lists are longer, ambulance bypasses are at a historic level — out of control — elective surgery was cancelled for three weeks in September last year. Thirty of 35 category D and E hospitals are in financial difficulties because of the policies of this government.

Look at schools. The much-vaunted class sizes have still not been achieved in 61 per cent of schools in this state. Your own figures demonstrate that class sizes are in excess of 25 in prep to grade 2. What is the government doing about class sizes in higher classes and in secondary schools?

Consultancies are up. By any definition they are consultancies, and they are up. You promised to rid this state of consultancies. But what did you do? You spent the surplus on consultancies. Look at the school bus interim report. That demonstrates that we will not get anything concrete and on the ground for 2002 — another consultancy completely wasted.

Let us look at major projects. One of the principles underlying this MPI is the delivery of services and the improvement of infrastructure. What infrastructure? There is none — zip. There is nothing about to be done. You do not have a single major project — sorry, you do have one major project. An 8-metre shard on Federation Square cost in excess of $75 million because of all the frigging around Federation Square was reduced to by this government — again, a sheer waste.

What are the major infrastructure proposals of this government? There is just sheer rhetoric. Money is sprayed around with pre-feasibility studies and feasibility studies, but there is nothing on the ground.

Look at aged care — probably the most vulnerable community in this state. Aged care nurses are being bled out of facilities because of the government's arrangements with nurses in other hospitals. Most importantly, on the government's own criteria, six aged care facilities did not meet the criteria set by the commonwealth government by January this year — despite the fact that it was this government's promise that they would and that it would appropriately fund them. What did it do with some of the money it promised out of the $1.7 billion surplus? It spent only half of the amount it had promised on aged care to meet the commonwealth standards.

Let us look at the issue of police and emergency services. Police numbers are still static; not much is happening with them. Despite repeated suggestions that you are going to do something, nothing has happened. Sixteen new police stations were promised, but only a few sods of dirt have been turned. A new police station was promised for Kew. We have been talking about it for years. Before coming to government the current minister came to my electorate and talked about the Kew police station. Despite that, what do we have? An empty block of land. Not a sod of dirt has been turned on it. Apparently $91 000 has already been spent on that police station, yet not a sod of dirt has been turned.

Prisons are at 110 per cent of their capacity, because the government completely failed to plan what it would do with prisons. In February more than 300 prisoners were housed in police cells — 40 of them women. That seems an absolute disgrace. What are you doing with that part of the $1.7 billion surplus? You want more money, but you are absolutely awash with money! And with the GST and land tax money it will be built up even further.

In my own area of law and justice, something with which I am very familiar, Victoria Legal Aid is still deprived of funds, despite the fact that the current Attorney-General when in opposition said, 'I don't care what the commonwealth does, I will ensure that legal aid is properly funded'. Any lawyer involved in legal aid will say, 'Eighteen months into your term you have done nothing to improve that circumstance'. The Victorian Civil and Administrative Tribunal has been deprived of money, and accordingly waiting lists are increasing.

Later today debate will take place on the Constitution (Supreme Court) Bill. The arrangements in relation to the Court of Appeal are based on the fact that there are two vacancies on the Supreme Court bench. You want to rejig the judicial system in this state, simply because you are failing to fund and provide for two extra

Supreme Court judges in the trial division. That is the real cause of the problem, and that is what you should be addressing with part of the $1.7 billion surplus.

Victims of crime — probably the single greatest disgrace of this government. All the promises, much lauded, and victims cannot even get access to counselling! You talk to the victims of crime, and they will tell you that is what they want. They don't want rhetoric; they don't want $7500; they want access to facilities and counselling at the time of the offence.

We have a government that is crying poor, a government that proposes to increase taxation yet is not delivering any services whatsoever where it really counts. All it is doing is building up a war chest to be spent on its sectional interests in the lead-up to the next election.

Ms DELAHUNTY (Minister for Education) — After the tub-thumping rhetoric of the former speaker it is my pleasure to draw this debate back to the issue of the matter of public importance.

As we celebrate the centenary of Federation and reflect upon 100 years of nationhood I am delighted to support the motion moved by the Treasurer and particularly to raise matters of educational disadvantage that have been imposed upon Victoria through the confrontationist and unilateral actions of the federal government.

I am sure the house will recall that last year the commonwealth rammed through its parliament its States Grants (Primary and Secondary Education Assistance) Act, which changed the funding formula for commonwealth support of both government schools and non-government schools. The Bracks government supports any money coming into education. We of course inherited a situation where Victoria was investing less per head of population on education than any other state or territory in the nation, so we started from a very low base. We have invested massively — an extra $600 million — in our government schools, and we have also invested an additional $57.5 million in our most needy non-government schools, so we welcome any money coming from virtually anywhere going into education because it is one of the most crucial investments any government will make.

But what we see with this states grants act is a distortion, a serious skewing of the funding paradigm. What we are seeing as a result of this change is increased funding to non-government schools relative to government schools. Funding relativities in the non-government sector are being altered so that on any analysis we are now seeing increased funding going to schools that need it less and decreased funding going to schools that need it more.

The socioeconomic status (SES), which is the model under which the commonwealth government is now funding schools across the nation, purports to judge a parent's wealth or economic status through their postcode. However, the SES does not judge the accumulated wealth of a school — I am talking about non-government schools here, of course — nor does it assess the capacity of the non-government school to raise money outside its parent body. Therefore the massive increases which are now clear from the federal government's own forward estimates are putting money into schools that obviously do not need it.

So what are the figures? The commonwealth government's own forward estimates, which we have revealed much to the embarrassment of the federal education minister, show that from 1998–99 to 2002–3 commonwealth grants to non-government schools will increase by a massive 51.5 per cent. Over the same period commonwealth grants to government schools will increase by a paltry 25 per cent — half what is going to the non-government sector. I would not mind if it were going to small independent schools that are struggling for funds, but it is not. It is clearly going to schools that have demonstrated that they have capacity to raise funds outside their parent body, that they can raise funds outside the school community and have done so for many years.

Look at some of these figures. Some are outstanding schools, but many of them are asset rich, and that is not taken into account by the commonwealth government's funding formula. For example, Brighton Grammar — an excellent school — would have received $707 per pupil under the old formula in 1999. Under the Kemp commonwealth formula its funding will increase by 104 per cent, which will increase the funding per student for that school to a massive $1560. At Geelong Grammar — a good school — funding per pupil increased under the Kemp formula from $595 per student to — woo! — way up to $2340, an increase of about 232 per cent. On any analysis you have to say that is unfair to parents who cannot afford to send their children to Geelong Grammar, Wesley College or Brighton Grammar.

So there is the furphy. The commonwealth government says, 'We are increasing funds to these schools to improve the choice that parents have'. Well, not every parent has the chance to make a decision about spending the amount of money that is needed in fees for those schools, and certainly a single parent in

Broadmeadows may not ever be able to exercise that choice. Thus we see that the furphy of the federal government is distorting the funding paradigm.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Warrandyte will have an opportunity to speak if he gets on the list, and the honourable member for Brighton has already been involved in the debate.

Ms DELAHUNTY — We can see the serious skewing of the funding paradigm. To finish with the figures, which I know are very embarrassing to the shadow minister and even more embarrassing to the shadow Treasurer, government schools will have received from the commonwealth government a mere 23.3 per cent increase over the period 1997–98 right up to 2003–4. The increase for non-government schools for that same period will be a whopping 74.5 per cent. So we can clearly see that schools in Victoria are being disadvantaged. The money is going out of government schools where the need is greatest and is going into non-government schools where in many cases the need is much less. We know the federal minister has tried to justify this distortion in the funding by saying that fees will come down and it will give parents choice. Fees are not coming down.

An honourable member interjected.

Ms DELAHUNTY — I would know! The fees are not coming down. In many cases the private sector schools, particularly the asset-rich schools, have not lowered their fees. Scotch College, Melbourne Girls Grammar — all excellent schools — Trinity, MLC and Wesley, have all raised their fees, so that puts the lie to what the federal minister said would occur as a result of the funding change. Indeed, the school council chairman at Geelong Grammar was quoted in the *Age* as saying that this considerable additional funding will be used to provide scholarships and will 'not reduce our fees'.

Even further, and in conclusion, the commonwealth government is intent on distorting the funding paradigm for government schools. Under its iniquitous enrolment benchmark adjustment the commonwealth was ripping funds from government schools when their market share changed — not if their enrolment went up but if their market share changed. They have taken money from government schools. In 2000 Victoria was stripped of $2.2 million by the commonwealth, money that was rightfully ours. Now, under pressure in particular from the Bracks Labor government and from other governments and especially from parents across Australia, the commonwealth government has panicked. In a sort of a pre-election panic it has buckled and said, 'Yes, the money is yours. We will return it, but we won't give it to you to spend according to the policies which have been taken to the people. No, we have taken the money. We will insist that the money goes back according to our criteria'. So in an election year Dr Kemp is supposedly generously giving back to Victoria our own education money, provided we spend it the way he tells us to spend it.

Things have changed. The numbers are changing on the ministerial council for education, employment, training and youth affairs. No longer will the commonwealth government be able to ram through regulations that impose upon the states policies that they have not taken to the people.

Mr ROWE (Cranbourne) — I think we all agree that Victoria needs to obtain a better share of what is taken from Victoria. But one wonders at the bleating and the whining of the Treasurer, because less than a year ago he said that the Victorian government could afford to fund all the promises it had made to the Victorian people. He also said the budget surplus would be greater than what was estimated. All of a sudden it seems the Victorian economy is headed for trouble. What has happened in that 12 months? In that time the state has gathered record revenue levels in stamp duties.

Mr Maxfield interjected.

Mr ROWE — We have had — —

The SPEAKER — Order! I warn the honourable member for Narracan that his comment was unparliamentary, and I will not put up with any more.

Mr ROWE — We have seen the state gather record levels of land tax.

Mr McArthur interjected.

Mr ROWE — As the honourable member says, they are about to skyrocket following Labor's review of state taxation. The review has recommended that the state introduce a flat rate of tax of 2.98 per cent, which will see a massive increase — between $600 million and $700 million — in the land tax grabbed by this bankrupt Treasurer. It is no wonder the state's AAA rating is now on a warning watch, because this Labor government has done what all previous Labor governments have done, which is to spend the money that is in the bank on recurrent expenditure. It is no wonder that this Treasurer is now bleating that the coffers are dry.

It is not the federal government's fault. It is not the federal government that spends the money hand over fist — and not on anything of substance either, Mr Acting Speaker, but purely on wages and non-productive projects. Maybe we will see the Treasurer go to New South Wales, where Premier Carr is running a Carr kindergarten for this junior government in Victoria. It seems that the Victorian government cannot move without permission from Premier Carr. I had a vision the other day, when once again we saw Premier Carr holding the hand of Little Stevie, this time up in Albury-Wodonga — —

Mr McArthur interjected.

Mr ROWE — He was definitely teaching him how to jump puddles in the Snowy. I had this vision of Old Man Carr pushing Little Stevie in a pram along the streets of Melbourne. What we are really seeing is Victoria being governed from New South Wales. Victoria cannot get out and get its own investments. It has to do it with Uncle Bob.

Mr McArthur interjected.

Mr ROWE — Certainly John Della Bosca, the New South Wales Special Minister for State, has been down here. He is obviously teaching them all about factional numbers.

Ms Asher interjected.

Mr ROWE — They are. I understand that Minister Della Bosca was very supportive of the GST.

An honourable member interjected.

Mr ROWE — As the honourable member interjects, 'One state left'. Why doesn't the Treasurer get all his Labor mates together at the national conference and get them to agree to cut their share of the national cake? I am sure Uncle Bob will help him convince them to do that. I am sure all the Labor states will agree to the GST rollback. Mind you, the Premier has probably already agreed to do it after talking to the federal Leader of the Opposition at the last national Labor conference.

Where will the money come from to replace the GST revenue? The Labor Party is good at making promises about spending, about meeting everybody's wish list and about playing Father Christmas; but 18 months into the term of this Labor government the Treasurer is crying poor because he is bankrupting the state! As I said, it is no wonder that the rating agencies have put a warning watch on our AAA rating.

It took the Kennett government almost four years to get the AAA rating back. It has taken the government less than 18 months to have the ratings agencies put a warning watch on it. They have done it again. They are destroying the state of Victoria! All they do is whinge, whine and bleat and look after the sectional interests of the ALP. All they are into is union paybacks. The Fair Employment Bill, which will cost 40 000 jobs, is a payback to Labor's mates. Now we see the education union doing what it did to Cain and Kirner — taking control. The union is turning on the government, putting out advertisements telling the community that it is not spending the money in the right areas of education. The government is achieving nothing. The education union's own survey says the community believes it has done nothing at all in education.

Government members interjecting.

Mr ROWE — In the area of education, let us look at the electorate of Cranbourne. Eleven of the 12 primary schools in Cranbourne — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Kilgour) — Order! The house will come to order!

Mr ROWE — Eleven of the 12 are above the state average for class sizes; there is only one school that is not. The government has done nothing but spend money on nothing! There is not one thing it can point to, apart from a drawing on a piece of paper, as one of the previous speakers said, of a quarter of a shard — the Pandazopoulos monument! A person of Minister Pandazopoulos's descent should be proud of what he builds. Certainly the Greeks of the past built the Parthenon and other wonderful monuments to their culture. But what do we have from the Minister for Major Projects — nothing in the ground, nothing on top of the ground, and a drawing of a quarter or maybe half a shard that will not even throw a shadow!

As I have said previously, this Treasurer has allowed his ministers to run away and spend the money on recurrent expenditure. He now expects to be bailed out by the federal government despite receiving record revenue from land tax, record revenue from stamp duties and record revenue from the 7 cents a litre he gets in fuel excise, which is paid to him by the federal government.

All we hear from the government is bleating, whingeing and whining about what it does not have and what it has lost. The Labor Party is about to lose Victoria's AAA credit rating again. The government is hopeless. The members opposite are all hopeless idiots.

They are out of control, spending money like Father Christmas, throwing it up in the air and getting nothing for it.

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

Ms PIKE (Minister for Housing) — I am pleased to have the opportunity to make a contribution to the debate on this very important matter of public importance. In the area I will discuss this morning we can see a very concrete example of how the discrimination against Victoria affects the lives of ordinary people, particularly very vulnerable people, in our community.

I am talking about the elderly in Victoria. The commonwealth's under-resourcing of the Victorian aged care system is bringing the system to breaking point. There is a lot of evidence to show that Victoria has been actively discriminated against by the commonwealth government, not just recently but over many years. According to the Productivity Commission report on government services in 2001 — a commonwealth government report — Victorian elderly people received less funding than elderly people in any other state in Australia; people over 70 years of age living in Victoria receive less money than those in any other state for the range of services they need.

It is no secret that Victoria has markedly fewer nursing beds, but it is also short-changed in a whole lot of other areas including home and community care services, hostel beds and community care packages. If honourable members look closely at the commonwealth's figures they will see that in June 2000 Victoria was more than 4500 beds short. If one extrapolates those figures out to today one finds that Victoria is nearly 5000 residential care places short. The Productivity Commission's reports from 1993 show that the number of beds has been declining gradually each year. As a result, those people in Victoria's older population who need residential support are finding themselves in an increasingly difficult position.

This has been occurring for a number of years. What was the former coalition government's response? What was the previous government doing and saying? Where was it lobbying? Was the previous government beating down the doors of the Minister for Aged Care in Canberra? No, it was not. The previous government had a policy acknowledging that it was in trouble, that there were some difficulties, that it knew Victoria was being discriminated against and it wanted to get out of the business as fast as it could.

I will now talk more concretely about the impact of the shortage of residential care beds. The average number of nursing home beds in Australia is 44 per 1000 people aged 70 years and older. Victoria has 39 beds per 1000 such people; the national average is 44; and New South Wales has 49. Victoria receives less funding than any other state. It receives $1768 per person while New South Wales receives $1991 and the average expenditure across Australia is $1881. The latest Productivity Commission report reveals that for the first time in decades Victoria is 10 per cent below the commonwealth's benchmark figures.

This is having a huge impact right across the state. If honourable members want to look at what this might mean locally, I am happy to provide information so they can look at what is happening in their electorates. The commonwealth government's benchmark is 90 residential care places for every 100 people aged 70 and over. We have 80 in Victoria but the cities of Moreland and Frankston have 57 each. In the Shire of Mornington Peninsula it is 64, and in the Shire of Melton there are 38 places when the commonwealth's benchmark says 90. In the Shire of Bass Coast the figure is 51, in the Shire of Hepburn it is 85, and there are 67 places in the Shire of Moyne. I could go on and on. The commonwealth government's data shows that Victoria is in very difficult circumstances.

The federal ministers, Mrs Bishop and Dr Wooldridge, have been claiming that Victoria has enough beds. Yesterday they made a significant announcement about the new beds which would supposedly be coming into the system. It is important that honourable members understand that these announcements are paper; they are an offer, a licence, not an actual bed with a pillow and a blanket in which an older person can lie and be cared for. They are phantom beds, beds that might be planned or announced but in real terms do not exist. When the Howard government announces these new beds everybody knows that they are nothing more than a cruel hoax.

The June 2000 figures show that there were 15 590 phantom beds in Australia, beds that were bits of paper and had never been translated into reality. There were 4500 such beds in Victoria. Those beds were promised, they are supposed to be operational but they are not even in the system. They are just licences. They are a mean-spirited hoax giving vulnerable people in the community false hope.

The New South Wales government is doing very well in relative terms but even it has complained about that. It said that there were 5600 phantom places in New South Wales. What is happening to Victoria is worse

than any other state, but everyone else is also concerned.

Yesterday was a desperate action by a desperate government. It is something that the federal government cannot deliver on. In fact, 11 per cent of the residential aged care stock in Australia is not operational — 11 per cent of the beds announced and promised are not operational.

It is not just governments which are concerned about this. Francis Sullivan, executive director of the Catholic Health Australia, said on radio this morning that his organisation welcomed the promise of new beds but needs $183 million today to be able to make those beds operational. He said that $183 million is on today's figures for beds that we probably will not even see for two and a half years. In fact, it is even worse than that. If the beds that are promised today, even if they are promised to Victoria, become operational at the same rate as beds have over the past five years — that is, about 50 a month — it will take 94 months or eight years before the current shortfall in residential aged care beds can be addressed. Given that our population is ageing and the demand is growing one can see that Victoria will never catch up unless something significant is done to address this issue. We can potentially fall behind a further 200 places every year on top of the current shortfall.

It is clear that the federal government is trying to pull a cruel hoax. It is giving hope to a lot of older people in Australia, but in Victoria we know that those beds will not materialise. We know we are significantly under-bedded and under-resourced. We know that Victoria is being discriminated against by the commonwealth government in an area involving the lives of very vulnerable citizens. The commonwealth government should be doing a whole lot better.

Mr LUPTON (Knox) — The Treasurer entered the debate as if he had made a new discovery — as if tax payments from the federal government to the states were something new. But this tax system has been in place since the mid-1940s, a period of about 55 years. Yet the Treasurer has proposed the following matter of public importance for discussion:

> That this house notes the difficulties facing the state government in meeting the demands of Victorians for services and improved infrastructure in the absence of a fair share of commonwealth revenues, and calls on the Howard Liberal–National government to end policies that discriminate against Victoria.

Not one honourable member would disagree with the motion. The honourable member for Broadmeadows, the former Minister for Finance and now Treasurer, said in February last year that the Bracks Labor government would provide for all commitments it made during the 1999 election campaign and still have a surplus, yet 12 months later the only way to describe Victoria is busted and buggered, with all the money spent. Why are government members not asking the Treasurer where the money has gone? Twelve months ago the government said it would provide for all its commitments and still have a surplus!

Ms Kosky — We have still got a surplus!

Mr LUPTON — According to the Minister for Finance there is still a surplus. Yet the Treasurer's matter of public importance notes the difficulties facing the state government in meeting the demands of Victorians. What is going on! The Minister for Finance says there is a surplus, but the Treasurer says the state is in trouble. The honourable member for Cranbourne clearly indicated that the warning bells are ringing for Victoria's AAA rating.

Mr Richardson interjected.

Mr LUPTON — That is right. The Treasurer, as the federal member for Bendigo, some years ago stated that Rob Jolly was the most responsible Treasurer of any state. That was the current Treasurer talking about a former Treasurer who busted the state.

The Treasurer is now saying that the state is in difficulty when 12 months ago he said Victoria had more money than it could shake a stick at. Where is the state going? What are the real facts? The Minister for Finance has said there is a surplus but the Treasurer says the government has difficulties in meetings its commitments. Twelve months ago there was going to be an even bigger surplus than before. I don't know what's going on!

The Labor Party says the GST is causing all the problems and will end up killing the state. But last year the Premier described the GST as a growth tax that he was happy with. It is difficult to understand where the government is coming from. Does it know what is going on?

Mr Richardson — They can't wait to get their hands on the GST!

Mr LUPTON — That's right, the government cannot wait to get its hands on the GST. If Mr Beazley ever gets into power Australia will hear that magnificent word 'rollback'. Hooley dooley! The Labor Party will roll back the GST, although nobody knows what the word means. Only last week the Prime Minister said that one of the Labor Treasurers was

asked about rollback and how it would affect the finances of his state and that Treasurer commented — —

An Honourable Member — It was Mr Egan.

Mr LUPTON — That is right. He said he was not really sure because Mr Beazley had not given them any idea of what Labor Party policy will be, that nobody knows what rollback is, but that it is a great word and sounds terrific. Nobody knows what will happen, but Mr Beazley is about to do an absolutely magnificent bit of accounting.

Federal tax payments have been around for 45 years, during which there have been both Liberal and Labor governments. The states have always moaned about the payments, both when Mr Keating was the Prime Minister and now that there is a Liberal government. The states have all said that they are not getting their fair share, and nobody in this place would disagree, but where is the Treasurer's submission? This man, Mr Brumby, said 12 months ago that Victoria had a surplus and would meet all its commitments, but now he says the state is busted. Where is his submission to the federal government? I do not believe one has been made.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Knox should refer to honourable members by their correct title.

Mr LUPTON — I am sorry. I will call him the honourable member for Broadmeadows, or should I call him the Treasurer, Mr Acting Speaker?

The ACTING SPEAKER (Mr Kilgour) — Order! Whatever you like.

Mr LUPTON — Thank you. I am talking about the Treasurer of Victoria and the honourable member for Broadmeadows. I hope that clarifies the point. I would hate anybody else to be labelled with the same tag. Where is the Treasurer's submission to the federal government asking for the tax review?

In my electorate the Scoresby freeway will cost over half a billion dollars. It has been on the drawing board since 1990, when I launched the proposal. Last year the Bracks Labor government announced that it wanted to push ahead with the freeway and would put the money up. When it wrote to the federal Minister for Transport and Regional Services it included a four paragraph submission. Really and truly, that is not a fair-dinkum way to make a submission asking somebody for money. If I want to get money from my wife I have to make more than a four paragraph submission!

Ms Duncan — I'd like to meet her!

Mr LUPTON — She is very nice and very attractive. The fact is that the government — —

Mr Richardson interjected.

Mr LUPTON — I will ignore the interjections from the honourable member for Forest Hill. In that situation the government made a four-paragraph submission for a project worth half a billion dollars.

Now he comes before this Parliament and says we should be disappointed about the fact that the federal government system disadvantages Victoria, but we are still not aware of the submission that will be put before the federal government to argue this government's case. As I said earlier, no honourable member on this side of the house will argue against the fact that Victoria gets the rough end of the pineapple and has done so for 55 years.

An honourable member interjected.

Mr LUPTON — Yes, the rough end of the cane toad! No professional submissions have been put to the federal government.

I will pick up on a couple of points made by the honourable member for Ballarat West, who talked at great length about foster care. She said that many kids in foster care should have health care cards. I do not disagree with that. However, I wrote to the Minister for Community Services in December about the problems faced by many people in my electorate who have had children in foster care for the past 10 to 12 years, particularly as the kids move into the teenage years. Although I received a phone call from a ministerial adviser on 2 January asking me to clarify the matter, I have still not had a real response. The minister bleats and moans about wanting more money, but some three months later I am yet to receive a response to my suggestions for addressing the problems out on the ground.

The situation is critical because foster parents are looking after foster children to the detriment of their own biological children. This government, like the previous government, has not realised that problems flow on from foster care. The honourable member for Ballarat West pontificates about health care cards, yet after a three-month delay I am still to get an answer from the minister about the problems in my electorate. That is a disgrace.

The Treasurer should be ashamed that he has put this matter forward for discussion. We could have done

something positive about matters of public importance, but this is just a nothing discussion.

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — The speech made by the honourable member for Knox was impassioned, but it was lacking in detail and vision. The matter of public importance is that this house notes the difficulties facing the state government in meeting the demands of Victorians for services and improved infrastructure in the absence of a fair share of commonwealth revenues and calls on the Howard Liberal–National federal government to end policies that discriminate against Victoria.

The honourable member for Knox was trying to say that Victoria should be subsidising the ACT and Queensland. It is obvious from the information he provided to the house that he has had some help from his federal colleagues in making a case for the commonwealth government rather than a case for the state of Victoria.

Let us look at the facts. Victoria loses out on around $1.2 billion of commonwealth funding each year across tied and untied grants. In 2001–02 Victoria will provide an estimated $960 million or $198 per capita in subsidies to other states in untied grants. Victoria is the highest subsidising state in the commonwealth. As the Treasurer said earlier, Victoria does not mind subsidising South Australia, Tasmania or the Northern Territory, but it draws the line at providing subsidies to Queensland and the ACT. The framework for funding decisions is fundamentally flawed.

If we look at what is happening with funding for training it is clear that Victoria is getting the rough end of the pineapple — or, to quote an earlier speaker, the bad end of the cane toad. Victoria is subsidising other states, but it will not get a net benefit from GST revenue until 2007–08. Clearly, that is too long for Victorians to wait before they begin to get some benefit from the GST, which has been very unpleasant for all Australians.

Looking at training funding across Australia it is clear that if we want to invest in a skilled economy we need to put more money into training systems. Under the previous government some technical and further education (TAFE) institutes became financially unviable, regional providers were struggling, huge sums of money were wasted on pet projects and unrestrained competition was promoted without the training providers having the financial resources to underpin the system. On coming into office the Bracks government put a great deal of additional funding into the TAFE system, which was very much needed. The Auditor-General's report outlined the plight of the TAFE institutes in Victoria. The government has invested an additional $177 million in the training system over a four-year period over and above what it has already put into the training system.

The government has also reviewed the education and training system to ensure that it delivers the flexibility Victoria needs to provide young people with opportunities in the future. The government is delivering on the promises it took to the election, which cannot be said for the federal government. What the federal government is offering for training is pitiful. As the former Victorian minister responsible for training, the honourable member for Warrandyte said that the federal minister, Dr Kemp, is long on rhetoric but short on cash.

The federal government spends millions of dollars on its glossy TV ads for the so-called new apprenticeship scheme, but refuses to meet its national obligations to fund growth in the training system. Dr Kemp has been short on cash for the training system, which is growing incredibly, particularly in Victoria.

At the same time the federal government has slashed almost $1 billion from labour-market programs but will not transfer the bulk of that money, or even some of it, to the training system. It would rather put it into consolidated revenue and blame the states for not funding training. While it talks of innovation, no funds have been forthcoming for innovation in the vocational education and training (VET) sector.

Many honourable members will know that the first Australian National Training Authority (ANTA) agreement was signed in 1992 as an agreement between the then federal Labor government and the states to form a truly national vocational education and training system. All jurisdictions committed to participate in a nationally coordinated system to ensure that Australia had a national training scheme that encouraged national portability of credentials and ensured that a quality scheme existed across the country.

At the time, the commonwealth provided significant growth funding for the system. Recognising the costs of national coordination and growth in the system, the Keating government provided an additional $820 million between 1992 and 1995. The growth funding ended with the election of the Howard government.

Under the Howard government the last ANTA agreement, the life of which was from 1997 to 2000,

offered growth within the system but with no additional commonwealth dollars — none! Growth occurred through efficiency. As the honourable member for Warrandyte, the Minister for Tertiary Education and Training in the former Kennett government, said, it represented the biggest cost shift to the states since Federation. The federal government walked away from its responsibility and commitment to the national training system by not putting additional dollars in for growth occurring in the system. Nationally, growth of 9.4 per cent has occurred in the training system from 1997 to 2000, and that growth has been stronger in Victoria. Recognising that training and a skilled work force underpins the state's economic growth, Victorian employers and individuals have committed to the training system.

Currently on the table from the federal government for this ANTA funding round is $20 million for the first year for all states and territories, followed by an additional $5 million, and $5 million in the ensuing two years. For Victoria that will mean an additional $5 million in the first year running out to slightly more than $1 million in the following two years. Victoria has put an additional $40 million a year into the state system and the federal government's offer is a lousy $20 million across the nation, which is a clear indication that it is not seriously committed to training. Worse still, it wants the $20 million to be matched funding and it wants a veto over the VET plans for the states. The federal government wants to put in a limited amount of money yet have control over the system, which is typical of this commonwealth government and the way it operates.

Victoria has rejected the offer on the table, as has every other Labor state. Those states represent more than 85 per cent of the national training system. The Liberal states and territories have buckled under the pressure placed on them by Dr Kemp and have accepted the offer, which means little for them in real terms. The Australian Capital Territory will receive only $320 000 in the first year, the Northern Territory, $200 000, and South Australia, $150 000. It is difficult to understand why that state and those territories have accepted the offer unless the federal government placed them under enormous pressure.

The ACTING SPEAKER (Mr Kilgour) — Order! The Minister for Post Compulsory Education, Training and Employment's time has expired.

Mr ASHLEY (Bayswater) — Before commencing my contribution I believe it is important to express a few misgivings about the debate this morning, which is an important debate and one which should be had. I am troubled that the government has used each minister to wheel out a litany of their own laments and to have a pot shot at the feds and a bit of fed bashing on the way through.

All that is legitimate to some degree, but the debate goes to deeper roots. It is fascinating that this debate should occur in 2001. Much of what is being reaped now was sown at Federation and resown 50 years later. In thinking about the matter the only words that came to mind were the words of the song *The Price of Love*. With the help of the parliamentary library I have obtained the lyrics, which were popularised most recently by Brian Ferry but go back to the Everly Brothers.

The lyrics contain some interesting words; it is really the price of young love that is picked up in the lyrics. The lines go:

> That's the price of love, the price of love
> A debt you pay with tears and pain
> The price of love, the price of love
> It costs you more when you're to blame

Ms Beattie interjected.

Mr ASHLEY — I have done that before, but I do not know the tune well enough to sing it. The lyrics continue:

> Kiss one girl — kiss another
> Kiss them all, but you won't recover
> You're dancing slow, you're dancing fast
> You're happy now, but that won't last
> That's the price of love, the price of love.

I will change those words to what happened at Federation.

> Kiss one state — kiss another
> Kiss them all, but you won't recover
> You're dancing slow, you're dancing fast
> You're happy now, but that won't last
> That's the price of love, the price of love
> A debt you pay with tears and pain …

That is what we are hearing here, that in being discriminated against we have tears and pain.

> The price of love, the price of love
> It costs you more when you're to blame.

Who is to blame? We all are, not just the Howard government or the Keating government before it. The blame goes all the way back to when the states first got together. A price was put on love then, and we were prepared to pay it to get everyone together. That was the price of young love.

Sometimes when love continues the price becomes too much to pay. That is why we are now using terms like 'being discriminated against'. Maybe we are indeed being treated that way, but the situation is a direct consequence of decisions taken between the states and the commonwealth, both initially and in the 1940s when the states gave their power to levy income tax to the commonwealth.

How do you resolve the problems that come from that? In the 1940s a few child brides, lovelorn states, needed some extra help. At that time Queensland was particularly in the firing line. It was having difficulties because it fronted the Pacific and was first to have to deal with the possibility of invasion. Therefore, the states conjured an arrangement that gave benefits to Queensland and to some other states that did not have the wealth-creating capacities of states like Victoria and New South Wales.

Nowadays we look back and think what fools we were to give such powers to others. With those revenue-sharing powers now out of Victoria's hands we have to wear the consequences, because the money keeps flowing out in the form of unacceptably large levels of subsidy to states that no longer need it. Far from being a jilted state, Queensland is now a beneficiary of the unwilling largesse passed to it by Victoria and New South Wales, and the arrangement is not easy for us to live with.

We are struggling and have a litany of laments of the kind mentioned by honourable members on the government benches. Meanwhile, Queensland can take the fuel tax levy and pass the full 8.5 cents a litre back to its people. We live with the chafing consequences of not being able to do what Queenslanders can do — namely, garner from the rest of the Australian states what they do not need.

One of the brides, then, is quite greedy and has a Premier who is quite greedy too. I suggest the Treasurer start campaigning around the country for a new arrangement to which all states can be drawn. There will be troubles up in Queensland, so I suggest he take the Attorney-General with him because he understands Queensland, including the backblocks. The Attorney-General can then fire the Queenslanders up to do a bit of justice for Victorians. Love would then have a new price, a price we could all accept and live with.

In reality, if the states could come to a new arrangement that demanded active campaigning by the person who moved the motion, all the states — except Queensland — would live a little more easily. That kind of solution, however, can be found only when all parties and all governments get together and form a scrum — which will suit the Queenslanders, because they don't understand Australian Rules football — to push for the interests of the rest of Australia. Then, in the end, we would be able to say that we all get a fair share and not one of us is particularly discriminated against.

Ms DUNCAN (Gisborne) — It gives me great pleasure to speak on this matter of public importance (MPI). Unlike some honourable members opposite, I believe the matter outlines a critical issue for this state. As previous speakers have explained, the subject has been an issue for 50-odd years. It has a long history and the Treasurer is trying to do something about it.

It is extraordinary that members opposite have for 2½ hours been critical of the MPI. The Deputy Leader of the Opposition stated that in her view matters of public importance were intended to 'flesh out the differences between the government and the opposition'. That is news to me. I thought matters of public importance were just that: matters of public importance. To flesh out differences between the government and the opposition is hardly the point of the exercise. I thought the point was getting the best deal for Victorians, not fleshing out differences between the government and the opposition. That would be criminal behaviour on the part of opposition members, who should be supporting the government in this matter, not opposing it.

It is difficult to see what we are arguing about. At times while listening to previous speakers I had the feeling that we are in furious agreement. That was certainly the impression I got from the contribution of the honourable member for Bayswater. I confess I was a bit confused about some of the points he made. At one point he seemed to imply that we have a greedy Premier. I could make that statement with pride, because our Premier is greedy for Victorians.

He is keen to get the best possible deal for Victorians, and that is not so that he can sit on a big, fat budget surplus for the sake of keeping it warm. The Bracks government, while maintaining a substantial budget surplus, believes in spending tax revenue on those people from whom taxes are raised — that is, people who live in the state of Victoria.

I suspect that the opposition was waiting with its fat surplus — sitting on it and keeping it warm and snug for a rainy day. Why else would anyone sit on a huge fat surplus like that? However, the opposition needs to be reminded that it has been raining in Victoria

for many years. The rain is still here and we need to do the work to rebuild what has been cut back.

The honourable member for Swan Hill was critical of the Treasurer and his policies. He made comparisons with the New South Wales Treasurer, stating that he was not asking for the same things and that his policies were not the same as those of the Victorian Treasurer. Given the history of New South Wales over the past eight years, that is hardly surprising.

Compared to Victoria, New South Wales did not suffer for seven years under a Kennett government that cut and slashed everything, selling off whatever was not nailed down — and even those that were — and reducing expenditure on health and education services, road funding and every other area of government responsibility. For what? So it could sit and claim a nice, fat, budget surplus. I am here to remind honourable members that the former Kennett government was not a bank!

The honourable member for Knox said that somewhere in *Hansard* — I would like to see it — our Treasurer is reported as saying that Victoria has no surplus and that we are in trouble. Similar comments were made by several opposition speakers, who continued to confuse the issue by suggesting that saying Victoria is being ripped off by Canberra is equal to saying 'We've got no money. We're in trouble'. I would like the honourable member for Knox to point out to me where in *Hansard* the Treasurer made that statement or anything like it.

Opposition members have criticised the matter of public importance while saying, 'Yes, we know we're being ripped off, but we don't believe this is the way to go about it'. I am struggling to understand what the point of their opposition is. I would like them to go out to rural Victoria and tell those Victorians that there is no need to address this issue, that it is okay for the state to lose $1.3 billion a year in commonwealth revenue and that it is not something that needs rectifying. I would like to see opposition members visit my electorate and tell my constituents that there is no need for this to happen.

The honourable member for Swan Hill asked what the government was doing and what the purpose of the exercise was. The purpose of the exercise is to raise the issue! An earlier speaker also mentioned the importance of talking to Victorians about it. I do not know whether many honourable members have travelled around rural Victoria recently. If they have they would have noticed a number of cars bearing a little bumper sticker that specifically targets road funding by saying something like 'Stop Canberra's road rip off: fund Victorian roads'. If you had looked at the state not just of roads but of infrastructure generally in rural Victoria, you would not be asking about the purpose of raising this issue.

For example, in my electorate the Calder Freeway is being extended through to Bendigo. It has reached Carlsruhe, just north of Woodend, but we now have a road to nowhere. The works are several months away from completion and are now at a standstill. The carriageway has already been declared a road of national importance, and the federal government has supposedly committed to the project and has put money into it. We are at a stage where we can go no further. The Victorian government has committed $7 million to the project this year and further funding for the following year. But we can go nowhere without federal funding. To date, the federal government has been completely silent on its intentions on the freeway. We have called for meeting after meeting with Mr Anderson, the federal roads minister, to try and get a commitment from the federal government to continue the road. If the road is not completed an enormous black spot will be created just north of Woodend. This is a critical issue for my electorate. The freeway is a road of national importance and the extension deserves to be funded.

Earlier speakers also quoted the Premier as saying that the GST will prove a growth tax. It certainly will prove a growth tax, and I do not think that the government has ever said that it would not. However, you would not want to hold your breath waiting for that money to come through. We are looking at between seven and eight years before we start to see any of the benefits of the GST. As much as the opposition tries to argue that down, those are the facts. Victorians will wait seven or eight years — until 2007–08 — before they start to see the benefits of the GST.

The government is not saying that the introduction of the GST has caused this funding inequality between the states and the federal governments, but honourable members will recall that the Prime Minister, Mr Howard, referred to the introduction of the GST as tax reform. The federal Treasurer, Mr Costello, has claimed that the GST has taken commonwealth–state financial relations out of the Dark Ages and will redress the inequality in some way, shape or form. I am not sure how he assumes that. Nothing has changed, except for the source of the revenue, because the distribution of the GST grants is still determined by the federal government. So long as these arrangements remain, the subsidies paid by New South Wales, Victoria and Western Australia will continue to grow and

commonwealth–state financial relations will remain where they are — that is, in the Dark Ages.

Victoria is being seriously ripped off. Opposition members sit there and wonder why the government is making a noise about it, but I find their position on this issue extraordinary.

Another issue affecting my electorate is the provision of health care and high-care residential beds in rural areas. The benchmark for the number of beds in the Macedon Ranges is 194, yet there are only 169. I can assure the house that the electors of Gisborne would value having this inequity changed.

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

Mr SMITH (Glen Waverley) — After the meeting with you, Mr Speaker, about the wonderful experience members of the Legislative Assembly will have in Bendigo in a few months, I am pleased to address this matter of public importance that has been proposed in all seriousness by the Treasurer. Its content is about the perennial problems faced by Premiers and Treasurers when they go to Canberra and utter the cries the public has become used to. People have become so used to it that I doubt they take any notice anymore. It has lost its sting.

The matter the honourable member for Broadmeadows has proposed for discussion is no different from the other bleatings we have listened to over the decades about the bad deal we get from Canberra. A recent statement made by the federal Treasurer, Peter Costello, was fascinating. He said that if the states could agree on a formula for allocating funds, he would agree to it — in other words, 'You get your formula right and I'll agree'. I would think that his problem, which is a perennial problem for all Treasurers, is that the Queensland part of the equation is the difficult one — as it always is.

The other day the Treasurer tried to justify his position and got himself caught up in knots. He should be doing something positive to get the attention of the people outside this building rather than discussing negative matters such as this, which is the sort of stuff that instantly clouds their perception of parliamentarians and again brings us into disrepute.

It is interesting that in his matter of public importance the honourable member has used the words 'improved infrastructure'. If you want to see what Melbourne has by way of infrastructure you need only go up to one of the top floors of a building like the one I was in this morning — on the 10th floor in the Catholic archbishop's office — and look over the city to see where the cranes are. Henry Bolte used to say many times, 'Tell me where the cranes are and I will tell you where the work is'. The cranes are quickly disappearing.

The other night I was having a meeting with some young people in years 11 and 12, the leaders of the future. The speaker for the night was the Honourable Mark Birrell, a member of the other place. It was fascinating to hear about what went on in Melbourne under the previous government and what is going on now. Mr Birrell told the young people about the sorts of projects that had provided ongoing employment to people — such as the Melbourne Museum, the Melbourne Exhibition Centre, and the aquatic centre. All those projects provided the infrastructure that is necessary not only for the people but also to create ongoing jobs. That has all disappeared.

He told the young people, 'If each month one of you came up with one good idea, as a member of Parliament I would feel excited'. All honourable members know that if they could get one good idea a year from each of the members of the public who visit their electorate offices or write to them they would be doing very well.

The Honourable Mark Birrell set that task for the young people taking part in the course we are running in Glen Waverley, who come from all sorts of backgrounds. He told them, 'Come back to me — I do not expect you to come back in one night — with the sorts of projects we should be doing'. The sad reality is that we have a Minister for Major Projects and Tourism, yet with almost no exception there has been no such input in the 18 months this government has been in power.

That relates to the matter before the house. The Treasurer bleats about Victorians' demands for services and improved infrastructure, but unless the government gives people the incentive to join with it in coming up with projects that will create jobs in the private sector, they will go elsewhere.

The sad reality is that people are going elsewhere. Businesses are finding that staying in Victoria is putting an enormous strain on their resources. In the past few weeks a lot of people have said, 'If you bring in any more of these imposts such as land tax, we will seriously think of moving away'.

I read in the *Age* a few days ago that Orica was intending to close down its facilities in Victoria. That is sad. This government's negative attitude, which is revealed in the matter of public importance, is making

the whole of the Victorian business community feel concerned — and the latest threat to include the proposed land tax in the budget is causing absolute outrage!

Last Friday in my electorate we distributed some material to proprietors setting out what an unnecessary impost the proposed land tax would be. We hand delivered copies through the Brandon Park and The Glen shopping centres and through the strip shopping centres around Glen Waverley. This Friday we will distribute them through Pinewood.

The response through the fax machine has been incredible. People who beforehand were ambivalent about which way they would vote — they may or may not have liked the style of Jeff Kennett and may or may not have liked the style of others but felt they had a free vote and might give Labor a bit of a run — are terrified of what this government is doing.

People are sending their responses on the forms attached to the material we distributed in the shopping centres. I am sorry I do not have some of them with me to share with the house. People are terrified that the tax will stop their businesses from developing and that the imposts put on them will be such that they will be unable to conduct the types of businesses they have been successfully conducting here in Victoria.

I would have thought that at the end of the day the Treasurer would be able to raise about $1 billion through an increase in land tax. What will he use that for? Will it be used for more increases in the public sector? Will it be used for more increases in pay? No-one wants to see people badly paid, but by the same token if the government goes overboard with those sorts of things to satisfy the demands of its union mates, we as a community will suffer. Business confidence will be eroded, and business owners will say, 'This is not the place to set up our activities' — and like the chief executive officer of Orica, some will say, 'It is time for us to see if we can wind up'.

If there is a proliferation of Labor governments in Australia, where will such businesses go? They will certainly not stay here to provide employment for our own people; they will take themselves offshore. That will mean fewer jobs in Victoria for those who should be properly employed.

This is a sad matter of public importance. Previous speakers, particularly on this side of the house, have demonstrated that this is the sort of thing that will send the state broke.

Debate interrupted pursuant to sessional orders.

PERSONAL EXPLANATION

Dr NAPTHINE (Leader of the Opposition) — I wish to make a personal explanation. I have been seriously misrepresented by the comments — —

Honourable members interjecting.

The SPEAKER — Order! A personal explanation should be heard in silence.

Dr NAPTHINE — I have been seriously misrepresented by comments made by the Treasurer in answer to a question without notice on 3 April 2001.

On 24 January this year, I issued a news release calling on the Bracks Labor government to urgently commence the project to standardise the rail link between Mildura and Portland. In that news release I said, in quotation marks:

> The Bracks Labor Government has committed $40 million to standardise the rail freight network, but says it cannot go ahead because the federal government has not yet contributed a further $40 million towards the project.

The news release was used as the basis for an article in the Warrnambool *Standard* of 26 January. However, that article mistakenly misrepresented my news release and said:

> Dr Napthine said that while the state government had committed $40 million to standardise the rail freight network standardisation remained in limbo because the federal government had not yet contributed a further $40 million.

A further article in the Warrnambool *Standard* on 2 February clarified the situation and makes it clear that I was misreported and misrepresented in the article of 26 January. It was the incorrect article that appeared on 26 January that the Treasurer quoted in the house yesterday.

My clear and unequivocal position is that I strongly support the standardisation of rail lines between Mildura and Portland and that this project should be fully financed by the responsible authority, the Victorian state government.

BUSINESS OF THE HOUSE

Notices of motion

Ms KOSKY (Minister for Post Compulsory Education, Training and Employment) — I move:

> That the consideration of government business, notices of motion nos 1 to 5 inclusive, be postponed until later this day.

Mr RYAN (Leader of the National Party) — I oppose the motion. I do so on the basis that matters represented by the nature of this motion simply should not be allowed to pass. The fact is that if this motion is persisted with and if the government continues with its process of wanting to delay debate on the motions listed as notices of motion 1 to 5 — its own notices of motion listed under government business — it will do a gross injustice to the people of Victoria and most particularly to the people of country Victoria.

The critical thing to note here is that we are talking about items 1 to 5 on the government's own business program. The government is seeking to delay matters it has listed as government business. It is imperative to have this debate because over the course of the past 18 months, although government members would like to think that their government has been running Victoria, in fact what it has consistently been doing is to refer to the issues that are the subject of each of these five motions in a way that suggests it is going to honour the promises it made to Victorians, particularly country Victorians, prior to the last election. It is absolutely unacceptable for members of the government to continue to do what they have done for the past 18 months — simply come in here seeking to delay, through motions such as this, debate on these five important motions, motions which they proclaimed as being so significant as to be the first five items to be listed on the notice paper when they assumed government. These were the first five critical issues the new Labor ministers saw as so important that they highlighted them as their first contributions to the notice paper when they came into government in October 1999. It is absolutely untenable for these issues to be further delayed.

By way of example I refer particularly to the subject of the first of the motions — infrastructure in rural and regional Victoria. Yesterday in the course of addressing this issue I referred to the rail standardisation project. I subsequently asked a question of the Treasurer, who misrepresented some commentary by the Leader of the Opposition for the purposes of his response to me — I am pleased to say as an aside that the Leader of the Opposition has had the opportunity to correct that here today.

The answer given by the Treasurer yesterday highlights how important it is to have this debate occur as the National Party wants it to. That has been further emphasised by an article in this week's edition of the *Weekly Times* under the name of the Minister for Transport in which he responded to an article that appeared in the previous week's edition of the newspaper. In the original article Marinus van Onselen, who has the leading role in the operation of Freight Australia, made assertions about difficulties to do with rail access and other matters affecting his organisation because of decisions made by the government on the important subject of how to get third-party access to those rail lines in a manner that is fair to all.

In the course of the article published in the *Weekly Times* today the Minister for Transport referred, with specific reference to the standardisation of the rail gauge across western Victoria, to:

> … standardisation of the broad gauge network to which the government has committed $40 million and is currently engaged in negotiations with the federal government to persuade them to honour previous commitments.

It is absolute and unmitigated rubbish, and it is absolute and unmitigated rubbish on several bases. The government says that $40 million has been committed. It will not spend that $40 million as things currently stand. It is throwing that money out there on the basis that it is notionally going to be spent, but it has no intention at all of spending that money as things stand.

Government members say they are currently engaged in negotiations with the federal government. There are no negotiations with the federal government. Indeed, it was only last week when I was in south-western Victoria — I think it was Tuesday night of last week — that the federal Minister for Transport and Regional Services and federal Leader of the National Party, John Anderson, who had been at a meeting with industry interests in northern Victoria, reiterated what has always been the absolute fact: the federal government will not pay for intrastate rail works. It is not a part of its charter. It is an invention and a myth on the part of this government that the federal government is supposed to be putting money into this project for the standardisation of rail lines in western Victoria. It is a myth.

It is even more of a myth when you look at the way the Victorian Labor government has approached that $810 million project, which we think is probably now a $1 billion project, for the development of fast rail links with country Victoria. In that instance, with a project that is 10 times as great, the government has not uttered even a passing word to the federal government about the prospect of seeking assistance for the project.

I might say that those involved in the mineral sands project, particularly up at Wemen, are dependent on being able to standardise the rail gauges. It is imperative that that work be done. To emphasise the point even further, the former coalition government undertook the expenditure of something in the order of

$20 million-plus for the standardisation of the lines to Hopetoun and Yaapeet. It paid that money out of the coffers of the government of Victoria. That is exactly what the current government promised to do but is now refusing to do.

The standardisation of the rail gauge in Victoria was promised, and that promise should be kept. The Treasurer and the Premier, who should be in this too, need to be advised that the people of country Victoria are looking at this as a barometer of how serious this government is about honouring its promises on these important issues.

It all comes back to the fact that it is imperative that the item listed as no. 1 on the notice paper under the heading of government business be debated. Notice of the motion was given by the Premier of Victoria, the Honourable Steve Bracks, back in about November of 1999, when he thought this matter was sufficiently important for him to come in here and put it on the notice paper as the very first item of business for his brand new government. We should be debating it, and the people of country Victoria want us to have that debate.

I shall turn briefly to another issue before allowing others to contribute to the debate. The third item on the notice paper concerns public health issues. It is a notice of motion standing in the name of the Minister for Health. We in country Victoria have issues about health services unfolding every day. You will see no better example of it than in Sale, where I live. Eighteen months ago under the former government the Central Gippsland Health Service developed a project that eventually led to the creation of the Gippsland Health Service, an amalgam of three health services in the area. It represented about four years of work by people who made it possible for the amalgamation to happen — a great outcome with a tremendously positive future for the delivery of health services in the region. What has happened in the 18 months between this government coming to power and now? I will tell you what has happened — absolutely nothing!

The whole thing has stalled. It has gone nowhere. We have had reports prepared by a Dr Tony Cull, who as I understand it did an excellent job of making an assessment of the Central Gippsland Health Service. A report was provided to government and made available to the public. Submissions were received up until January this year. Where has it gone since then? It has gone nowhere. After 18 months of development we have seen absolutely nothing by way of advancing that important initiative for the people of Central Gippsland because this health minister will not act. He will not get out there and act upon the initiatives which had been developed, and well developed, by the people of Central Gippsland at the time this government took office on 20 October 1999.

Again, it is imperative that that notice of motion, which is no. 3 under government business on the notice paper, should be the subject of debate. It is not enough that the government stands up here every day, as it has done for 18 months, and simply says, 'No, we are going to put it off again'. The government nominated these issues in the first instance as being appropriate for debate and being, quite rightly, areas where there should be priority for debate in this house. They are crucial and important matters, particularly to country Victorians but to Victorians at large, and it is imperative that this debate proceed.

I might say, as I conclude my contribution, if the issue comes to a vote today — and I anticipate it will, because we have every intention of dividing and doing what is necessary within the ambit of the orders of the house to ensure that these notices of motion are brought on — the National Party will offer a pair to the government on the basis that we certainly do not require the Attorney-General, who is not enjoying good health at the moment, to be inconvenienced to the point of having to come into the house to participate in the process. But subject to that, we want these notices of motion brought on for debate today.

Mr NARDELLA (Melton) — We have just had the real Leader of the Opposition get up and speak on this motion. What he should do is sign the transfer form, do a Senator Bill O'Chee from Queensland and join the Liberal Party. I am certain that when the preselection for Brighton comes up he would be preselected for Brighton to take over the leadership of the opposition in Victoria. It is an absolutely pathetic opposition that we have here today. Opposition members are not prepared to debate or to raise the real issues facing the people of Victoria.

Honourable members interjecting.

Mr NARDELLA — That is the problem with opposition members. They do not care about the people of Victoria. They do not care about the terrible things they did during their seven years in government.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Polwarth!

Mr NARDELLA — This pathetic opposition now wants to waste the time of the house — and that is all it

is doing — instead of debating the real legislative program that is before the people of Victoria.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Rodney should keep his voice down!

Mr NARDELLA — Opposition members simply want to engage in this pathetic waste of time. Like in the two divisions yesterday, they will go down again today. When they raise the matter tomorrow they will go down again. The opposition does not run this Parliament. The opposition still believes it is the Jeff Kennett government, and that its members are the rulers of this house. They are far from it. They are nowhere near ruling this house. The government runs the business program of the house. But opposition members are so thick that they do not recognise that they could debate the issues if they really wanted to. Under the matter of public importance (MPI) provisions they could pull out any of the notices of motion and debate them.

An opposition member interjected.

Mr NARDELLA — Of course they are our notices of motion. That is why we are making the determination not to debate them today. We will not debate them today. We will debate them when we want to do so. But opposition members can bring them up for debate at any opportunity they wish under an MPI. Further to that, there are other opportunities under the standing orders to debate these issues. The opposition, unfortunately, is irrelevant by raising these points and opposing the program of the house. Opposition members just build upon their irrelevancy, both to themselves and to their own constituencies, but worse still towards the people of Victoria who they should be fighting for as an opposition and providing decent opposition to the Bracks Labor government. But they are not. They are hopeless! These stunts are not going to get them out of their malaise.

The other day I read that the Leader of the Opposition had an 8 per cent approval rating 12 months into his leadership and it was estimated that after 24 months it would be 10 per cent. It might only take another 36 years to get to the position that Steve Bracks is in at the moment, on 76 per cent. But it will still not make them relevant for a very long period. I urge the opposition to accept the transfer form from the Leader of the National Party because he has the tough qualities required. He has what is necessary to run an opposition in this state. The current Leader of the Opposition and Deputy Leader of the Opposition in the Liberal Party certainly ain't got it — even their own backbench knows it.

Mr McARTHUR (Monbulk) — It is a pleasure to join this debate and oppose the motion which has been moved by the minister. As will become clear to honourable members during the debate, there are a number of substantial reasons why this motion should be rejected and why the house should proceed with debating the notices of motion under government business. Notice of motion 1 is of critical importance not only to this house but to people right across rural and regional Victoria.

As we all know, Madam Acting Speaker, the Labor Party, particularly a number of its senior members, has placed great store on issues that are of importance to rural and regional Victoria for some years now. They have often talked about the importance of those issues. They have advertised their support of rural and regional views. They have said they are going to spend enormous amounts of money supporting rural and regional Victorians. They thought this issue was so important that on the very first day that this Parliament sat, 3 November 1999, the first thing the government put on its parliamentary agenda was this motion in the name of the Premier. And every sitting day since then the government has refused to debate the motion. Every day a minister has stood up in this house and moved to postpone debate on the notice of motion containing these words: 'This house notes with concern the decline in services and infrastructure in rural and regional Victoria'. Every day a minister has denied the house the opportunity of discussing a critically important issue to people right across the length and breadth of the state. That is a strange thing, particularly when you consider the words uttered by the Premier, the Treasurer and a range of other ministers about their pretended concern for the views, the values, the issues and services in country Victoria.

Let us look at how the government has responded to the proposal put forward by the Leader of the National Party yesterday and again today that this motion should be debated. Who has responded on behalf of the government? Yesterday we had that rural luminary the honourable member for Footscray, whose claim to rural fame is that he can count more syringes in the back street by his office than anything else. He knows nothing about rural Victoria, and yet he came in here and argued that the house should not debate issues that are of importance to rural and regional Victoria.

Who followed him? The honourable member for Dandenong North, the archetypal Labor apparatchik, a

man straight out of Trades Hall Council, a former secretary to the Labor Party, union head kicker and man who knows nothing about either about rural issues or parliamentary procedures. He initially advanced the argument taken up today by the member for Melton. They argued that if the opposition or the National Party want to debate these issues, they should do so by way of a matter of public importance. I draw the attention of the honourable member for Dandenong North and the intellectual giant from Melton to the issue of anticipation.

It is a well-held rule in this house that a member cannot discuss an issue which is high on the notice paper, and there are no issues higher on the notice paper than government business, notice of motion 1. A matter of public importance is debated two Wednesdays out of three and the item immediately after that is government business, notice of motion 1, that this house notes with concern the decline in services and infrastructure in rural and regional Victoria. For the opposition to bring in such a matter of public importance would clearly run the risk of transgressing the rule of anticipation. I invite the honourable members for Dandenong North and Melton to consider that issue in their arguments.

What might we do if the house agrees to the very sensible proposal put forward by the Leader of the National Party? We could immediately move on to discussing government business, notice of motion 1 and we might hear from the honourable member for Benalla about some infrastructure and service issues in Porepunkah where there is a strong lobby group advocating about a sewerage problem. The member was actively campaigning on this issue before the by-election but she is strangely silent now. Alternatively, the member for Benalla might talk about the importance of the water storage at Lake Mokoan to people in and around Benalla, irrigators and water and recreational users of that lake.

The honourable member for Ripon might talk about the importance of access to the deep lead aquifer and the Ascot aquifer for potato growers around Ascot. He might talk about the importance of the water supply project to the people in Clunes. Let us hear from those members how they would like to deal with those important service and infrastructure issues in their towns.

We could even have the member for Gippsland West talk about services like Tabro Meat in Lance Creek, a family company which is under severe financial pressure because of the government's decision on Workcover premiums. The member for Gippsland West might also talk to the house about the importance of the Moe main drain which provides flood plain and drainage services for people from Warragul right through to Lake Wellington. I imagine the honourable member would have a keen interest in that if she had the opportunity.

The honourable member for Gippsland West might also raise a critical issue in relation to the dairy cattle underpasses being funded by this government. Strangely that funding is not available to dairy farmers in the Shire of Cardinia because it is not classified as a rural municipality. If one is a dairy farmer in Cardinia shire one cannot get any of the government funding for an underpass to run cattle from one side of the road to the other.

The honourable member for Ballarat East might want to talk about the implications of the government's current land tax proposal on the small accommodation providers in Hepburn Springs and Daylesford. If he were given the opportunity, the honourable member for Mildura might want to talk about the critical importance of the standardisation of the rail line from Mildura to Portland and how that will provide an enormous boon to the mineral sands projects of both Iluka Resources and Murray Basin Titanium. Those projects will provide jobs and economic impetus for people in and around the Mildura electorate for 25 years, but the honourable member for Mildura will not be given the opportunity to talk about that unless the proposal put forward by the Leader of the National Party is supported by members in the house.

The honourable member for Gisborne was in here bleating loudly a moment ago. She might come in here again to talk about the importance of the Calder Highway alignment and how that is critically important to apple growers and farmers in the Harcourt Valley.

Mr Perton interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Doncaster is out of his seat and disorderly.

Mr McARTHUR — The honourable member for Gisborne may even talk about the problems being experienced by Frew's meatworks in Kyneton. That company is facing financial ruin as a result of the government's Workcover premium increases. The honourable member for Gisborne might talk about that and the impact the closure of that key regional meatworks would have on farmers in rural Victoria.

Mr Perton interjected.

The ACTING SPEAKER (Ms Davies) — Order! For a second time, the honourable member for Doncaster is out of his seat and disorderly.

Mr McARTHUR — The honourable member for Narracan might join the honourable member for Gippsland West in discussing the Moe main drain, an issue which the West Gippsland catchment management authority said is of critical importance. The authority has applied to the government for a $2 million funding program, an application which has been received with deathly silence on the part of the government. If he had the chance, the honourable member for Narracan might put the case for the government funding a refurbishment of the Moe main drain. In doing so he would be supporting the Wellington Shire Council in the way that a local member should.

Sadly, if the Minister for Post Compulsory Education, Training and Employment's motion is supported by the rural and regional members of the Labor Party the honourable member for Narracan will not get that opportunity. I call on the members for Narracan, Gisborne, Ripon and Benalla — rural members in a Labor government which is supposed to be open, honest and accountable — to come into this place and tell members whether they want to debate the decline of services in rural and regional Victoria and the decline in infrastructure projects and condition in rural and regional Victoria. I call on them to tell the house whether they want to talk about the impact of Workcover premiums on country businesses and the impact that that will have on farmers right across Victoria. Do they want to talk about the impact of the Treasurer's proposal for land tax on every small business in every street in every town and village of country Victoria? Let us hear them or have they been gagged?

Government members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! There is a bit too much noise from the government benches.

Mr McARTHUR — Have they been gagged? What did they say yesterday? The honourable members for Narracan and Gisborne said nothing. The honourable member for Ripon was silent and the honourable member for Benalla found herself unable to speak on behalf of her electorate. Who was able to talk? That noted giant from the wilds of Footscray! He felt moved to speak about why we should not discuss rural and regional issues. The honourable member for Dandenong North described the motion in the name of his Premier as a general, wishy-washy motion. That is what he said yesterday and it is in *Hansard*. He described his own Premier's notice of motion as general and wishy-washy.

Honourable members should be discussing the most important issues for people across the length and breadth of regional and rural Victoria. It is a tragedy, and for the first time there is now on the record 100 per cent rock-solid evidence that the Labor Party's pretended interest in rural and regional issues is an absolute sham. For that reason the motion moved by the Minister for Post Compulsory Education, Training and Employment should be rejected. The house should be debating the critical issues today.

Mr STENSHOLT (Burwood) — When entering Parliament I expected high standards of good governance; I expected the Parliament would uphold those high standards and appropriate processes. Having heard the absolute drivel from the honourable member for Monbulk who pretends to be a rural member when actually he is not — —

Mr McArthur interjected.

The ACTING SPEAKER (Ms Davies) — Order! A little bit of quiet while the honourable member speaks!

Mr STENSHOLT — I support the motion and find it interesting that it is being opposed by the Leader of the National Party, obviously seeking some remnants of credence because his party has lost it in the bush. The Labor Party now represents the country — —

Honourable members interjecting.

Mr STENSHOLT — Labor represents regional and rural Victoria. Labor has the majority of members and is representing those people. It has the credibility, not the National Party.

The main purpose of the Parliament is to debate and pass laws. Today we are seeing an exercise in time-wasting and filibustering. There is a lack of credibility and respect for the normal processes of Parliament. This is the second day in a row that the National Party has tried to debate government business, notice of motion 1. Maybe it is the Liberal Party — —

Honourable members interjecting.

Mr STENSHOLT — The honourable member for Monbulk is hiding behind the skirts of the National Party, which is fascinating because it is the second day in a row that he has done so — and no wonder! The

newspapers today show bets being taken on the Liberal Party leadership. For example, Ted Baillieu is at 3 to 1 and the honourable member for Prahran is at 80 to 1. Honourable members can read all about it in today's *Herald Sun* under the heading 'The Liberal stakes'. It has become a farce.

Honourable members interjecting.

The ACTING SPEAKER (Ms Davies) — Order! I understand that honourable members are excited about the procedural motion, but I ask that the honourable member for Burwood be heard in relative quiet for the last couple of minutes.

Mr STENSHOLT — Thank you, Acting Speaker. I would have hoped that the house could uphold the best traditions of Parliament, but unfortunately honourable members are dealing with an absolute time-wasting exercise. The house is meant to work by a series of set conventions adapted by an ongoing process.

Honourable members interjecting.

Mr STENSHOLT — The house is wasting time. Two hours of debate were wasted yesterday, and the opposition is proposing to waste time on the same issue today. The house must get on with debating the six bills to be introduced and the seven bills that are listed on the notice paper. That is the main purpose of Parliament.

Debate interrupted pursuant to sessional orders.

Sitting suspended 12.59 p.m. until 2.05 p.m.

QUESTIONS WITHOUT NOTICE

Land tax: small business

Ms ASHER (Brighton) — I refer the Treasurer to a leaked government document that reveals that there will be 43 000 new land tax payers in Victoria this year and that this new tax grab alone will net the Treasurer an extra $113 million this year on top of the government's plan to belt a further 240 000 Victorians with the land tax, raising an extra $1 billion, and I ask why the government is not considering land tax relief instead of slugging 240 000 new Victorian taxpayers for an extra $1 billion.

Mr BRUMBY (Treasurer) — Obviously, the honourable member for Brighton does not listen properly to answers provided in this place. Yesterday the honourable member raised an issue about this matter and I advised the house that the land tax system currently in place in Victoria is the system that was put in place by the former Kennett government.

Ms Asher interjected.

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

Mr BRUMBY — The Victorian land tax system is the system introduced by the former government in 1998. Before that the threshold for businesses was $200 000, but the former government, supported in the cabinet room by the Leader of the Opposition and the Deputy Leader of the Opposition, reduced that threshold from $200 000 to $85 000, which brought 70 000 new taxpayers into the system.

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order!

Mr BRUMBY — The former parliamentary secretary to the Treasurer, the honourable member for Box Hill, said in the debate on the land tax issue that the long-term solution was to flatten out the land tax. I presume he supports the Harvey report! Right? Are you nodding your head? Flat land tax?

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order! The level of interjection is too high.

Mr BRUMBY — Having reduced the land tax threshold from $200 000 to $85 000, and having brought 70 000 new small businesses into the net, the honourable member for Brighton, the former Minister for Small Business, is reported in *Hansard* of 18 November 1997 as saying:

> … I am delighted to point out … that these land tax changes have a particular impact in favour of small business.

Honourable members interjecting.

Mr BRUMBY — The government has not changed the land tax system one iota, and it has not changed one letter of the law. The system in place in Victoria today is the system introduced by the former Kennett government and voted on in the party room by the Leader of the Opposition and the Deputy Leader of the Opposition.

Honourable members interjecting.

Dr Napthine — On a point of order, Mr Speaker, if the Treasurer is going to dump the Harvey report, why will he not tell the house? If he is going to dump the

recommendations, he should be honest enough to advise the house.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition raised a point of order and then proceeded to ask a question. He is out of order. The Treasurer, concluding his answer.

Mr BRUMBY — On April Fools' Day the Leader of the Opposition apologised to Victorians for the actions of the former Kennett government. I would like both him and the Deputy Leader of the Opposition to now apologise for the land tax changes put in place by the Kennett government in 1998, bringing 70 000 new land tax payers into the net.

Hospitals: nurses agreement

Mr RYAN (Leader of the National Party) — I refer the Minister for Health to his assurance to the house on 20 March that the government will fully fund country hospitals for any financial outcomes from the renegotiation of the nurses enterprise bargaining agreement, and I ask: in light of that guarantee, why is it that the Department of Human Services is now funding acute services in all hospitals on an average cost per nurse as opposed to actual cost, a formula that clearly disadvantages country hospitals?

Mr THWAITES (Minister for Health) — What the Leader of the National Party does not say is that we are talking about increases in funding to rural hospitals, something that in seven years the former government never did. What the house has not heard from the National Party is an apology for what it did to its country hospitals.

The Leader of the National Party is talking today about rural hospitals — categories D and E hospitals. But one category he is not talking about is the category that the former government had — the category of closed rural hospitals. There were 12 of them. The Bracks government — —

Honourable members interjecting.

Mr Ryan — On a point of order, Mr Speaker, the Minister for Health is clearly debating the question. I ask that he make some semblance of an effort to answer the question put to him about why the government is not properly funding country hospitals when he guaranteed it would.

The SPEAKER — Order! I do not uphold the point of order. However, the Minister for Health is required to answer the question.

Mr THWAITES — Not only are we adequately funding the country hospitals, but we are also increasing their funding. The Leader of the National Party is now trying to shift his position. Last week he was reported in the press as saying that there was a $500 million shortfall because the nurses' enterprise bargaining agreement (EBA) was not being funded. He was going around the state saying that $500 million was not being paid. But he was also saying, 'We do want to help the nurses'. He wants to have it both ways.

It now turns out that the government is funding the EBA. The government has done something that in seven years in government the National Party never did, put additional nurses into our rural hospitals and additional nurses right across the field.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bennettswood!

Mr THWAITES — The government is funding that.

I compare that with the previous government, which entered into arrangements for enterprise bargain agreements and for increased salaries but did not fully fund the salaries. The Bracks government is fully funding to meet the costs, which sets this government apart from the previous one. It is a government that is committed to getting more nurses into our hospitals and protecting our country hospitals.

Economy: performance

Mr MILDENHALL (Footscray) — Can the Premier advise the house of the latest information concerning the performance of the Victorian economy in this difficult national and international economic context?

Dr Napthine interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr BRACKS (Premier) — I am pleased to report to the house that figures released two days ago on retail trade reveal that Victoria has improved its position considerably in relation to the other states. Victoria had a 2 per cent increase in retail trade compared with a 1.2 per cent change in Australia as a whole.

If you consider aspects other than retail trade, which is an important indicator of the strength of the Victorian economy, you will see that Victoria has been the standout economy across the nation. There is no doubt about that. If you look at retail trade, employment, exports, motor vehicle sales and housing starts, Victoria has been the standout state in each of those areas. That has been reported widely in the *Australian Financial Review*, the *Australian*, the *Age* and the *Herald Sun*. They have reported that Victoria is withstanding the national downturn better than the other Australian states. In retail turnover Victoria was the highest in February, before other measures were taken.

I can also indicate that exports are up by 20 per cent on the previous year, and new vehicle registrations are up 15 per cent on last year in trend terms. New vehicle registrations are at a record high in Victoria, and that is good news for the vehicle industry and for Victoria. The number of new homes approved for construction in Victoria was 5.4 per cent higher in February of this year. That is a very important statistic. Dwelling approvals are up 25 per cent since September and non-residential and building approvals increased by 19 per cent.

As we know, Mr Speaker, the one that caps it all off is employment growth. I have been reporting to the house that we have had some 50 per cent of the total job growth in Australia, but the new figures show that the 17 000 new employment places created in Victoria in the last month represent 64 per cent of all new jobs in the country — an outstanding result. Victoria now has the second-lowest unemployment rate, 6.3 per cent, and our trend figures are looking positive.

I welcome also today's decision of the Reserve Bank of Australia to drop interest rates and by a full 50 basis points or 0.5 per cent. That will certainly help by putting some stimulus into the Australian economy and will further help and support the Victorian economy, Australia's standout economy as shown in all statistics on employment, retail trade, housing starts and motor vehicle starts. We are in a downturn, but Victoria is in good shape to withstand it.

Land tax: small business

Dr NAPTHINE (Leader of the Opposition) — Can the Premier advise the house what action he will take to ensure that small businesses across Victoria will not face huge land tax increases — —

Mr Brumby interjected.

The SPEAKER — Order! The Treasurer!

Dr NAPTHINE — I will repeat the question: can the Premier advise the house what action he will take to ensure that small businesses across Victoria will not face huge land tax increases while Crown Casino receives a massive $1 million land tax cut as proposed under the state government's taxation review?

Honourable members interjecting.

The SPEAKER — Order! The Minister for Housing!

Mr BRACKS (Premier) — I welcome wholeheartedly the question from the Leader of the Opposition as it relates to small business enterprises in Victoria. I am acutely aware of the pain, difficulty and hardships faced by small business over the past couple of years.

All the survey material, including the Yellow Pages *Small Business Index*, shows that the biggest one-off impact on small business in this country is the GST — everything points to that. In indicating the compliance cost, liquidity and tax collection problems small business has with the GST I do not want to under-score other difficulties, particularly of the 70 000 small businesses I am concerned about that are now caught up in the previous government's reduction in the threshold. When the threshold was reduced by the previous Kennett government from $200 000 to $85 000 it caught up another 70 000 new small businesses in this state. While the GST has the biggest impact, I do not want to under-score the impact of the previous Kennett government policies on small business.

Also, with the addition of superannuation in the calculation of payroll tax, the threshold actually went down and a whole new group of small businesses were captured as well.

Dr Napthine — On a point of order, Mr Speaker, the Premier is debating the question. The question was not about payroll tax, it was about whether under his government's tax proposal the Premier endorsed a $1 million tax cut to Crown Casino while hitting small businesses for six right across Victoria. If he does not agree with it — —

Mr BRACKS — On the point of order, Mr Speaker, I ask you to examine the question addressed to me by the Leader of the Opposition, which referred to impacts on small business. It related to land tax, but I was making the point about land tax and other impacts on small business, which is one part of the opposition leader's question. If he were to frame his question in a different way he could listen to a different answer.

The SPEAKER — Order! I will not allow a protracted debate on the point of order taken by the Leader of the Opposition. He raised a point of order on whether the Premier was debating the question, but went on to spoil his taking of the point of order by attempting to repeat his question. I am not prepared to uphold the point of order at this time. However, the Premier is obliged to come back to answering the question and may not at any stage debate it.

Mr BRACKS — On the question of small business, which was the fundamental proposition of the question put by the Leader of the Opposition, the attack on small business with land tax was an attack by the previous Kennett government. It reduced the threshold to $85 000 and netted 70 000 extra payers of land tax. The impact on small business has been a direct result of the Kennett government.

The reality is that this government has not changed one iota any matters to do with land tax in Victoria. In any propositions we examine coming out of the Harvey review of business taxes in Victoria we will ensure that small businesses have a very good deal — a better deal than they got under that crowd!

Hospitals: nurse registrations

Mr LANGDON (Ivanhoe) — I refer the Minister for Health to opposition claims of an exodus of nurses from our health system. Will the minister inform the house of the latest information concerning nurse registrations in Victoria?

Mr THWAITES (Minister for Health) — Two weeks ago the honourable member for Malvern claimed in the press that figures he had obtained from the Nurses Board of Victoria indicated that in the past nine months Victoria had seen, and I quote, 'The largest exodus of nurses from our health system that we have ever seen'. On the radio he said, in his most serious voice, 'I think Victorians would be appalled to learn that over the last nine months 2580 nurses have apparently deserted the system'.

The honourable member for Malvern has demonstrated, again, how fundamentally untrustworthy he is. His problem is that his own side thinks that!

Mr Maclellan — On a point of order, Mr Speaker, I draw to your attention and recommend to the Deputy Premier the standing order that says that it is not appropriate to make reflections on members.

Mr Bracks interjected.

The SPEAKER — Order! The Premier will remain silent! The honourable member for Pakenham has taken a point of order relating to standing order 108, which deals with imputations and reflections on honourable members being disorderly and inappropriate. I ask the Minister for Health to desist from going down that track.

Mr THWAITES — The honourable member for Malvern claimed that 2580 nurses had deserted the health system. The facts are that the honourable member quoted figures for the total number of registered nurses in Victoria before the registration period had expired. He knew that they were not full-year figures, yet he deliberately misled the public. The full figures are — —

Honourable members interjecting.

The SPEAKER — Order! The Treasurer!

Honourable members interjecting.

The SPEAKER — Order! I ask the Treasurer to cease interjecting in that vein, which brings the house into disrepute.

Dr Napthine — On a point of order, Mr Speaker, I draw your attention to standing order 108, which prohibits members from making imputations about and personal reflections on other honourable members. In this case the Minister for Health has already been warned with respect to the standing order. He should have been asked to withdraw before. He should now withdraw the reflection he has made on the honourable member for Malvern.

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order!

Mr Lim — Honourable Speaker, I find this point of order offensive, to say the least. In the cut and thrust of debate in the chamber each member is allowed a certain leeway to say what they want to say. The rule should be applied on both sides of the chamber.

Last night we saw a classic case of imputation, with the honourable member for Mordialloc attacking the honourable member for Carrum without a single whimper from the other side of the chamber. I ask you, Sir, to rule the point of order out of order.

Mr Smith interjected.

The SPEAKER — Order! The honourable member for Glen Waverley!

The Leader of the Opposition has raised a point of order arguing that the Minister for Health was in breach of standing order 108, which does not allow for personal reflections on other members of Parliament. I have already asked him once to desist from going down that track. If he continues to offend I will ask him to conclude his answer.

Mr Doyle — On a point of order, Mr Speaker, I take offence at the remarks made by the Minister for Health, and I would ask him to withdraw.

The SPEAKER — Order! The honourable member for Malvern has indicated that he has taken offence at the remarks by the Minister for Health and has asked that they be withdrawn.

Mr Lim interjected.

The SPEAKER — Order! The honourable member for Clayton! I ask the Minister for Health to withdraw.

Mr THWAITES — Honourable Speaker, I withdraw the remark that he deliberately misled the house.

Dr Napthine interjected.

Honourable members interjecting.

Mr THWAITES — He misled the public and — —

Dr Napthine interjected.

Mr THWAITES — You are entitled to say that.

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order!

Mr Haermeyer interjected.

The SPEAKER — Order! The Minister for Police and Emergency Services! The minister has withdrawn the remark.

Mr THWAITES — The honourable member for Malvern quoted figures that were part-year figures but purported to compare them to full-year figures for the previous year.

Mrs Peulich — On a point of order, Mr Speaker, the Minister for Health knows full well that question time is an opportunity for ministers to be questioned and to provide information on matters relating to government administration. Referring to *Rulings from the Chair — 1920–2000* and to previous rulings made by Speakers Coghill and Delzoppo on successive occasions, I quote from page 128, which says that question time:

> … should not be used as a vehicle for attacks on the opposition —

even though it has taken the Minister for Health two weeks to come up with an attack because he has probably spent his time on planning.

The SPEAKER — Order! I do not uphold the point of order.

Mr Hamilton interjected.

The SPEAKER — Order! The Minister for Agriculture!

Mr Thwaites interjected.

The SPEAKER — Order! The Minister for Health! I remind the house that when the Speaker is on his feet the house should show some respect by remaining silent. I do not uphold the point of order. I ask the Minister for Health to come back to answering the question.

Mr THWAITES — This week we have received the full figures for the year from the nurses board. They show that the number of nurses registered in Victoria has risen from 69 111 last year to 70 041 this year — an increase of nearly 1000 nurses.

The number of registered division 1 nurses, who are the type of nurses who provide most of the care in public hospitals, has increased from 49 729 to 50 705.

What is clear, Honourable Speaker, is that the Bracks government's Victorian nurse recruitment strategy is working. We are very much on target to meet our commitment to put an extra 1300 nurses in our hospitals.

I should advise the house that payroll data from the Department of Human Services shows that the total number of effective full-time nurses employed in public hospitals has risen from 21 249 in February last year to 22 454 in February this year — an increase of some 1200 effective full-time nurses in our public hospitals. That, of course, means better care for our patients.

This demonstrates the commitment on this side of the house to increasing the number of nurses and improving the quality of care in our hospitals. It also demonstrates the continued inability of the honourable member for Malvern to give accurate information to the public or the media.

Petrol: prices

Mr SAVAGE (Mildura) — I direct my question to the Minister for Police and Emergency Services, who represents the Minister for Consumer Affairs in this place. Will the minister inform the house of the steps that have been taken and the progress that has been made in proclaiming the Petroleum Products (Terminal Gate Pricing) Bill and requiring the temperature correction of automotive fuel at the terminal gate?

Mr Leigh interjected.

The SPEAKER — Order! The honourable member for Mordialloc.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Mildura has taken a strong stance on the issues of terminal gate pricing and the temperature correction of petrol. In fact, in 2000 the honourable member introduced the Petroleum Products (Terminal Gate Pricing) Bill into this Parliament. It was given — —

Dr Dean — On a point of order, Mr Speaker, the minister appears to be reading from written notes. I ask that he table those notes for the observation of the house.

Honourable members interjecting.

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

Opposition Members — Yes!

Mr HAERMEYER — Mr Speaker — —

Honourable members interjecting.

The SPEAKER — Order! Will the house come to order!

Honourable members interjecting.

The SPEAKER — Order! The honourable members for Keilor and Mornington.

Mr Perton interjected.

The SPEAKER — Order! The honourable member for Doncaster shall cease interjecting forthwith.

The minister's response was not clear to the Chair. The question the Chair is posing to him is whether he is quoting from a document.

Mr HAERMEYER — Mr Speaker, I am quoting from some rather scrappy typed but mainly handwritten notes, which I — —

The SPEAKER — Order! The minister's answer is still not clear to the Chair. He is either quoting from a document or he is referring to notes. If he is quoting from a document, he is required to make that available.

Mr HAERMEYER — I am referring to notes which are in the main handwritten.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Bentleigh!

The Minister for Police and Emergency Services has indicated that he is referring to notes, therefore he is not required to make them available.

Dr Napthine — Mr Speaker, when you posed that question to the minister previously he clearly and distinctly said he was quoting from the notes — he clearly and distinctly used the word 'quoting'. I suggest that a check of the *Hansard* record will confirm that. He then said on another occasion that he was referring to them.

When the minister was asked the first time he clearly said he was quoting from the notes. If he is quoting from the notes they should be tabled. It is inappropriate that he now be allowed to change his plea. If he pleaded guilty before, he should not now be able to plead not guilty.

Honourable members interjecting.

The SPEAKER — Order! That level of interjection is clearly not acceptable.

Mr Thwaites — On the point of order, Honourable Speaker, an additional point is that the requirement to table documents relates to official documents or public documents.

Honourable members interjecting.

Mr Thwaites — It relates to official public documents, and it was perfectly clear to anyone who is here that the minister was merely referring to notes which were largely handwritten.

Mr McArthur — On the point of order, may I refer you, Sir, to a ruling by Speaker Coghill — a ruling I imagine should have been known to the Deputy Premier. It is headed 'Distinction between a file and separate sheets filed together — tabling requirements'.

Speaker Coghill ruled that there is a requirement for a member who is quoting from a document, whether it is separate sheets or a file stapled together, whether it is a public document or a private document, to make it available. The rules of former Speakers are very clear: if a member is quoting from a document — loose sheets or a stapled together file — it must be made available.

Mr Batchelor — On the point of order, Mr Speaker, I refer you to the ruling by Speaker Delzoppo that deals precisely with this matter. It is in *Rulings from the Chair — 1920–2000* under the heading, 'Tabling requirements — public documents/personal notes distinguished'. It states — —

An honourable member interjected.

Mr Batchelor — I will read it out because you obviously cannot read it!

The SPEAKER — Order! The Leader of the house shall desist from addressing members across the chamber and shall address the Chair!

Mr Batchelor — The ruling of Speaker Delzoppo states:

> If a minister quotes from a public document he is required to table the document. However, if he —

that is, the minister —

> is referring to his personal notes or a memorandum or an aide-mémoire prepared for the minister he is not required to table the document.

I put it to you, Mr Speaker, that a number of tests need to be measured here, one of which is the test of whether it is a public document. Clearly the document to which the minister was referring is not a public document. It is clearly an aide-mémoire and falls within the ruling given by Speaker Delzoppo.

An additional point that needs to be clearly understood here is that this is the fifth or sixth time that the opposition has used this sort of point of order in the most deceitful and deceptive way. The opposition knows what the rules are and that ministers are absolutely entitled to bring notes or aides-mémoire with them to answer questions. In most instances those notes or aides-mémoire will be typed — that is the nature of things — and to assist a minister in referring to those typed notes it is quite admissible to read them. It is acceptable and always has been acceptable that the method by which you communicate this reference is through your eyes. Most ministers do not bring in aides-mémoire that are in braille so that they can read them through the use of their fingers!

It has been a longstanding practice in this house that ministers are able to refer to their own documents. If they are quoting from public documents, they must make them available. We understand the difference; the opposition understands the difference; the standing orders and rulings from the Chair understand the difference; but we are not prepared as a government to have the opposition come in here and in a deceitful way try to misuse the traditions, the standing orders and rulings of previous Speakers. They do it time after time. They know — —

Dr Napthine interjected.

Mr Batchelor — And it is disgraceful, what you do!

The SPEAKER — Order! I have heard sufficient argument on the point of order to enable me to rule. Let me first of all remind each and every member to once again read my recent ruling on making documents available to the house.

It is true that there are rulings by previous Speakers, and all contributors on this point of order can in some way refer to those. The simple requirement is that when a member is quoting from a document, generally upon request that document is made available to the house.

Honourable Members — Hear, hear!

The SPEAKER — Order! On this occasion the Chair asked the Minister for Police and Emergency Services whether he was quoting from a document. In his response the minister said he was quoting from a document. However, in responding to that question from the Chair he also indicated a number of papers to the Chair and to the house which clearly appeared to be notes and not a public document as such.

I believe commonsense should prevail on this occasion. I ask the Minister for Police and Emergency Services whether he could assist the Chair by making the document from which he was quoting available to the Chair so that the Chair can be satisfied about whether it is a public document.

Mr HAERMEYER — Mr Speaker, I am quite happy to make these very scrappy notes available to the Chair. I am sure the Chair will get eyestrain trying to make any sense of them.

The SPEAKER — Order! The minister has indicated he will make the document available.

Mr HAERMEYER — I have to say it is good to see that the buffoons on the other side are focused on the really big, burning issues.

The SPEAKER — Order! I ask the Minister for Police and Emergency Services to refer to honourable members by their correct titles.

Mr HAERMEYER — Mr Speaker, as I indicated, the Petroleum Products (Terminal Gate Pricing) Act will be proclaimed once all the implementation arrangements for that act are in place. The intention of the act is to increase the transparency of fuel pricing and to provide access to product at terminals at competitive wholesale prices for all distributors and retailers. A reference group has been established to ensure the smooth transition to the implementation of the act and to assess the impact of the act once it has been implemented. That reference group met in December 2000 and again in mid-March. It is also expected to be having a final meeting shortly.

The reference group comprises representatives of each of the major oil companies and independents, and the peak industry and consumer bodies as well. To date that reference group has considered proposals regarding the petroleum products and supplies to be declared, the requirements for publication of a terminal gate price, the formula for calculating landed international product price and record-keeping requirements. At its March meeting the reference group also considered the orders and regulations which are currently being prepared to clarify how that act will apply to particular arrangements, including distributor fuel cards, consignment and interstate supply.

A communications strategy is being drafted to inform the industry and consumers about the introduction of the act and its requirements. This will utilise industry networks and media coverage to deliver information to stakeholders. The declaration of liquefied petroleum gas is being considered separately.

The temperature compensation issue has been bandied around now since 1989, firstly by the former ministerial council, the Standing Committee of Consumer Affairs Ministers, and again in 1996 its successor, the Ministerial Council on Consumer Affairs (MCCA), decided that the costs of temperature compensation outweighed the benefits. Since then petrol producers have implemented just-in-time practices at their refineries. That has meant it is less likely that fuel will have to cool before delivery to distributors and retailers.

The legislation to address correction and other issues was proposed by the honourable member for Mildura. He should be congratulated on the interest he has taken in it. However, he at the time agreed to withdraw those provisions subject to a national approach through uniform national trade legislation. Last year the Victorian government proposed temperature correction at 15 degrees Celsius at refineries and terminals to the Trade Measurement Advisory Committee and to the standing committee of officials of consumer affairs, otherwise known as SCOCA. The Trade Measurement Advisory Committee considered this issue at its meeting in 2000 and while there was general support for temperature compensation, the states differed in their views as to whether the problem was limited to refineries and terminals or extended also to distributors' depots. That issue is now under consideration by SCOCA, and Victoria is currently consulting with the other states and commonwealth officials to prepare a proposal to put to the ministerial council. It is intended that the issue of temperature compensation, along with other matters, will be addressed by MCCA in the first half of this year. So things are certainly happening on that front, and the honourable member for Mildura is to be congratulated for the driving force that he has provided on this particular development.

Land tax: small business

Mrs FYFFE (Evelyn) — I refer the Minister for Major Projects and Tourism to the fact that small bed-and-breakfast operators across Victoria will be subject to the same flat rate of land tax as a multinational corporation in Collins Street under the government's business task review. What will the minister do to stop this massive attack on bed-and-breakfast operators?

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — I thank the honourable member for her question. The key issue when she served on the board of Tourism Victoria, together with the honourable member for Hawthorn, is whether they raised the issue of land taxes being increased by the previous government.

Honourable members interjecting.

Mr PANDAZOPOULOS — Or whether the previous minister for small business and tourism actively objected to it when it was discussed at the cabinet table, because the former government actually increased land tax, which affected so many more Victorian businesses than ever before. They are right — they are absolutely right — that the tourism industry, particularly small operators, is worried about taxes.

Opposition members interjecting.

Ms Asher — On a point of order, Mr Speaker, the Minister for Major Projects and Tourism is debating the issue, but it may help in the debate to note that the Kennett government's land tax rate went down as a result of our reforms.

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

Mr PANDAZOPOULOS — The opposition is right that the tourism industry and particularly small operators are worried about taxes. They are worried about the goods and services tax (GST) and they are worried about fuel prices. That is what is affecting them economically. Because of business making recommendations to government as part of the tax review, we are duty bound to consider them, we are aware of the issues and we will make the best decision for Victorians — there is no doubt about that.

Prisons: immigration detainees

Mr LIM (Clayton) — Will the Minister for Corrections inform the house why immigration detainees are being housed in Victorian prisons and what he has done about detainees who are not facing any criminal charges being sent to Port Phillip Prison?

Mr HAERMEYER (Minister for Corrections) — Last year I was advised by the Correctional Services Commissioner that the federal immigration department had sought to transfer a number of its detainees into Victorian state prisons on the ground that the Maribyrnong immigration detention centre was having difficulty with them over behavioural issues. I expressed some concern about that to the commissioner at the time and she indicated that we had some 26 immigration detainees in our prisons at that time. Some of those were there for behavioural issues. I was rather concerned about that because some of those people had not been charged or convicted of any offence. Some of them were not subject to deportation orders, nor were they there at the direction of a court. So why are they in the prison system?

I have asked the commissioner to look at that. They were certainly occupying some rather scarce prison space, but what concerned me more was that those people were in our prison system at a cost of $55 000 per head per year. I made some inquiries about what this had cost the state and was advised that over a period of four years the state of Victoria had forked out some $1.7 million to house federal immigration detainees.

I then raised this matter at a meeting of correctional services ministers in Perth and discovered that other states were receiving compensation, some of them in excess of $70 000. How much was Victoria getting? Not a zack — not a single zack, Mr Speaker! The previous Liberal–National government in this state were absolute suckers; they were played for suckers by a federal government hell-bent on cost shifting and a federal government incapable of managing the immigration detainees in its care. That is $1.7 million that could have been used for ambulances. We saw some crocodile tears about country hospitals earlier, and that is $1.7 million that could have been put to very good use for the taxpayers of Victoria, but because these dumbos allowed the federal government — —

The SPEAKER — Order! The minister shall desist.

Mr HAERMEYER — Victoria was deprived of $1.7 million.

I am pleased to advise that I have written to the federal Minister for Immigration and Multicultural Affairs indicating that Victoria will no longer be accepting any prisoners from his department who are not there at the direction of the court unless he can persuade the Correctional Services Commissioner that there are extenuating circumstances.

The government is also involved in negotiations with the federal immigration department to ensure that in future the state is paid for the immigration detainees it has in its prisons. There are some who are there at the direction of courts or awaiting deportation. The government is also seeking to recover the money that the previous lot deprived the people of through their incompetence.

Schools: portable classrooms

Mr HONEYWOOD (Warrandyte) — I refer to the fact that a number of Victorian companies involved in the construction of portable classrooms have been forced to lay off carpenters due to a lack of work. Can the Minister for Education explain how a South African-owned company, Ausco, which closed its Victorian manufacturing plant, was awarded a multimillion dollar contract by the Victorian education department to construct portable classrooms at its manufacturing plant in South Australia?

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition and the Deputy Premier!

Ms DELAHUNTY (Minister for Education) — I thank the honourable member for Warrandyte for his question, because at last he is starting to engage with

the real issues around education and not act as a spoiler as he has been about class sizes and other developments in education.

To bring down class sizes the government has had to inject $137 million over four years and add 2000 staff to schools, and the figures have come down. However, it has also needed to build new accommodation for the smaller classes. The government is investing $32 million to build these extra classrooms, and it will ensure that it gets the best possible price for that government investment. That is government policy. Given that this state is now finally spending what is required on education, I would expect to have bipartisan support for getting the best possible price so the money does not go into builders' pockets but rather into providing programs and teachers for students.

Toxic waste: advisory committee

Ms GILLETT (Werribee) — I refer the Minister for Major Projects and Tourism to the importance to the Victorian economy and environment of effective management of hazardous waste. Will the minister inform the house of the government's progress in achieving a bipartisan approach to this critical issue?

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The house would be aware that the government has appointed a hazardous waste siting committee to advise me as Minister for Major Projects and Tourism about the future siting of hazardous waste facilities across the state. This committee builds on the good work of and bipartisan approach taken by the previous government, which appointed the Hazardous Waste Consultative Committee. That committee recommended the establishment of an independent and bipartisan hazardous waste siting advisory committee which would be able to work with industry, the community, local government and the environment sector. Those groups will be working together to get a better outcome for hazardous waste management in Victoria.

A number of organisations have chosen to be represented. They recognise, as does this government, the need for consultation in the development of long-term solutions to hazardous waste issues. The groups that have agreed to be represented on the advisory committee include the Australian Industry Group, Environment Victoria, the Plastics and Chemicals Industry Association, the Environment Business Australia, Residents against Toxic Waste in the South-East, the Western Region Environment Centre, the Municipal Association of Victoria, the Victorian Local Governance Association, the Victorian Trades Hall Council, Associate Professor Michael Buxton from RMIT University and the National Party.

I want to thank the National Party for agreeing to have a representative on the committee. It has agreed to have its new upper house leader, the Honourable Peter Hall, be part of this process. However, I must admit that I am quite disappointed that last week I was informed by the Leader of the Liberal Party that his party was refusing to participate in the committee despite the fact that the government is continuing on the work of the previous government in relation to hazardous waste.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc!

Mr PANDAZOPOULOS — It is of great concern to me — —

Mr Ryan — On a point of order, Mr Speaker, on a question of relevance, the National Party was invited to participate, and it did so on what was understood to be a genuine bipartisan basis. The National Party will not play politics in the way the committee is now being portrayed, and I hereby withdraw the National Party's representation on the committee.

Honourable members interjecting.

The SPEAKER — Order! Clearly the Leader of the National Party is not taking a point of order but rather is debating the issue.

Mr PANDAZOPOULOS — It is certainly not the government's intent to do that. What I am expressing to the house — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Berwick!

Mr PANDAZOPOULOS — I have highlighted everyone who is on the committee and those who are not. The purpose of my comment is to inform the Leader of the Liberal Party that I have today signed a letter asking him to reconsider his party's position. On April Fools' Day the Liberal Party said it had made mistakes in the past and needed to listen to the community. That is what this process is about. The government has been listening to the process the previous government set up.

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mordialloc has been warned a number of times.

Mr PANDAZOPOULOS — The government has been listening to the process started by the previous government after the Werribee issue. What industry, the community and the environment sector want is a new way of dealing with hazardous waste. They want a new way that focuses on the basic principles of the environment movement — reduce, reuse and recycle — so we have less hazardous waste. For the hazardous waste that is left we need a further recycling process and to put it away, not just dump it in holes in the ground. There will be no more Tullamarine and no more Lyndhurst. We need a new way of doing things like the system in Western Europe, which has set new standards for industry. The industry and the community want to adopt those principles, and that is what this process is about.

The Liberal Party has people on its side who are scaremongering. The member for Mordialloc says we should dump it in the northern suburbs. The government is about working with and consulting the community and industry. This is very important for small business and for industry. They want to know how governments will deal with this, not the old way of doing things by dumping waste in the ground but the new way of doing things — high-tech, new standards and community involvement.

That is what the committee is about. I look forward to working through that process so we get the best outcome for Victoria. I ask the Leader of the Liberal Party to reconsider his position.

The SPEAKER — Order! During debate on an earlier point of order on the documents referred to by the Minister for Police and Emergency Services, the Chair sought the cooperation of the minister in making the documents available to the Chair, which he duly did. Having examined the documents I am of the opinion that they can be deemed only to be notes. Therefore the minister is not required to make them available to the house.

BUSINESS OF THE HOUSE

Notices of motion

Debate resumed.

Mr STENSHOLT (Burwood) — Before the suspension of the sitting I was talking about the time-wasting and the lack of credibility and respect for the normal functioning of Parliament shown by the National Party, supported by members of the Liberal Party, who are now hiding behind the National Party's skirts. Where is the real leadership, and which is the real opposition? The opposition parties all line up to take points of order, but there is no real leadership. For the second day in a row the National Party is raising issues rather than the Liberal Party.

Honourable members are presently debating the postponement of government business, notices of motion 1 to 5. The government would be happy to debate the motions, but it has had to take the important step of getting bills passed. It is concerned about the decline of services and infrastructure under the Kennett government. It would be happy to condemn the Leader of the Opposition for his lack of action when he was a minister in the former government and the veil of secrecy that was drawn over the way in which government business was conducted. Government members would be happy to condemn the previous government for its health policy and its cruel ideological experiments — and they would be happy to congratulate the current government and the whole of Victoria. However, the house needs to get on with government business and with debating bills.

Mr PERTON (Doncaster) — I support the cases put by the Leader of the National Party and the manager of opposition business. The motion is an insult to the house and to everyone who lives in rural and regional Victoria, and it denies all Victorians the right to debate the notices of motion.

In 2001 the first motion is a good motion that states:

> That this house notes with concern the decline in services and infrastructure in rural and regional Victoria and congratulates country Victorians for standing up for their local communities by seeking to stop the decline and supporting policies that will revitalise their communities.

Surely the government intends to debate that at some time, because it has left it on the notice paper — or is it engaging in a complete act of hypocrisy? If it does not intend to debate either that motion or notices of motion 2, 3, 4 and 5, they should be removed from the notice paper and country Victorians would be able to see the hypocrisy that is involved in the government clogging up the notice paper.

We have a lot of time to debate those notices of motion. The honourable member for Burwood talked about the time available to the house. Honourable members sat for one week in February and one week in March.

An Honourable Member — One day in February!

Mr PERTON — One day in February and one week in March, and we will sit for one week in April. The government was elected on the promise that Parliament would sit more often. Honourable members are sitting fewer hours and there is less action. Let's look at today's government business, orders of the day. The first is the Constitution (Supreme Court) Bill. Is that more important than the issues affecting rural Victoria? Of course not. The bill is a fiddle by the government to avoid replacing Mr Justice Hampel, who has just retired.

There are few bills on the agenda, and the government continues to slap country Victorians in the face. If one looks at one of the notices of motion the government has asked the house to put aside, one sees that it talks about the decline in infrastructure in rural Victoria.

Shortly after the government was elected the Minister for State and Regional Development presented a ministerial statement called 'Connecting Victoria', in which he made a number of substantial promises — 17 — of which only one has been kept. One of the most important promises he made to regional Victoria was that the government's VicOne network would be expanded to increase the availability of broadband Internet services to all Victorians and that it would drive down the price.

Between November 1999 and November 2000 no action was taken to implement the promise to increase broadband availability. Coincidentally, late in the year AAPT came to the government and said it would expand its regional networks by investing $52 million in infrastructure.

Mr Holding interjected.

Mr PERTON — In the minister's press release in November last year the government claimed the $52 million as its own investment. Mr Speaker, do you know what has happened since November last year in respect of the AAPT investment? Not one dollar has been spent in regional Victoria, and not one piece of additional infrastructure, particularly in respect of broadband, has been placed in Victoria.

Ms Delahunty interjected.

Mr PERTON — The Minister for Education is carping and squawking on the other side of the table. Why is broadband important? It is important because the international community is judging Victoria. Last week the largest producer of mobile communications equipment, Nokia from Finland, was reassessing its investment in broadband research and development facilities not just in Melbourne but around the world. As a result of its decision to align its facilities more closely with the places where broadband is being taken up by the community it closed its Victorian office. Some 30 jobs in this high-tech industry — not just low-grade jobs, but some of the most important research jobs in a modern community — were lost to Victoria. Nokia is a decent employer, and it is doing the right thing — it is offering redeployment to those workers interstate or overseas, but the judgment of the international community is that the Labor government has betrayed Victoria by not keeping its promises to expand broadband infrastructure in Victoria.

One has only to read the pages of the *Age* and the *Australian* to see that since the 1999 election of this government the take-up of broadband has been an utter disappointment — so much so that developing countries like Korea have more high-speed Internet connections than Victoria.

Mr Steggall interjected.

Mr PERTON — As the honourable member for Swan Hill, the Deputy Leader of the National Party, has said, that is an embarrassment. It means two things: firstly, equipment makers do not see Victoria as a place for test beds; and secondly, the people who live in country Victoria, whether they are in Bendigo, Ballarat or Gisborne — large parts of Gisborne do not have ADSL or cable — —

An Honourable Member — It has woodchips.

Mr PERTON — Yes, it has lots of woodchips. Young people who are looking at new designs in multimedia and new productions have no market in Victoria. I am sure you, Mr Speaker, in your circle of acquaintance, and the ministers at the table in their circles, know of young Victorians who have gone to the United States of America seeking work in this industry, because there is little work for them here. The great betrayal of rural and regional Victoria is that jobs are not becoming available.

Adacel decided during the term of the former coalition government to set up its software training in Wodonga, which is the sort of investment the opposition supports. For companies, particularly global companies, to be able to justify that sort of investment in Victoria they have to be able to demonstrate to their international boards of directors that Victoria is a place where things are happening. An article in the *Age* of 3 April headed 'Labor under attack as Nokia shuts up shop in Victoria' — —

An Honourable Member — Wouldn't it be lovely to be able to debate it?

Mr PERTON — It would be lovely to be able to debate it. The article quotes the managing director of Nokia Australia, Kevin Brough, as saying that future moves could be affected by the state's proactiveness to explain the case to stay in Victoria. Further, he says:

> My question is, what has the government done to help companies such as us through subsidised training or tax breaks? I'd like to sit down with the government and discuss that.

The problem with sitting down and discussing the matter with the Victorian government is that there is no minister for information technology (IT). This is the only state in Australia that does not have one.

Mr Wilson interjected.

Mr PERTON — As the honourable member for Bennettswood points out, Victoria was once the state where it was all happening. It had the first Minister for Multimedia in the world. Victoria was on the move, and as Bill Gates wrote in his book, *Business @ Speed of Thought*, Victoria was a world leader. Having a minister like Minister Brumby, the Minister for State and Regional Development, Victoria has no commitment to IT, and it is losing out time and again to Queensland. Investments like Linux Redhat, the Oracle development and Sun Microsystems. Major call centres are now going to Queensland rather than Victoria. The evidence is that they are being set up in regional Queensland. Typically, jobs are set up in regional cities because of the stability of the population and the reliability of the work force.

A second promise made to regional Victoria in 'Connecting Victoria' was that a call centre attraction program would be instituted by the government. The last announcement made by this government in respect of a call centre was in February 2000 — the announcement of the AAPT call centre in Bendigo. AAPT brought the centre to Victoria precisely because the Victorian coalition government had engaged it in the VicOne contract. Since February 2000 there has not been one additional call centre announcement in Victoria. This industry is growing at the rate of 25 per cent a year globally. Victoria is a state where English is the native language, and it is ideally situated for call centres to service the world, given the many native language speakers in our ethnic communities not just in Melbourne but also in Ballarat, Bendigo, Shepparton, Mildura — —

An honourable member interjected.

Mr PERTON — And Warrnambool. Indeed, as the honourable member for Warrnambool, the son of a migrant, knows, those communities have native speakers of the languages that are in demand for call centres. However, what has this government presided over? The only thing we are now seeing in rural Victoria is Telstra appropriately paying out some of its workers and consolidating its centres to become more modern and high tech.

Rather than bringing jobs to Victoria, the government's call centre attraction program is exporting them to Queensland. What interest do government members have in this issue? Absolutely none! There are five government members in the house, all of whom are metropolitan members. Where are the honourable members for Bendigo East, Bendigo West and Ballarat? Why do they not want to debate this issue? The answer is that they are embarrassed by the failings of the government in these important areas.

The honourable member for Springvale, who has been shouting throughout the debate, joins the Minister for State and Regional Development in ridiculing the Liberal Party for its commitment to providing a broadband connection for every Victorian. All honourable members will recall that last year the Leader of the Opposition made a speech that committed it to facilitating a broadband connection for every Victorian. What was the response of the Labor government? The minister ridiculed the speech. In a press release on 28 December 2000 he dismissed it as an impossible promise.

However, not everyone agrees with the minister. In the Department of Premier and Cabinet there is an infrastructure planning council chaired by an influential Victorian businessman, Mike Fitzpatrick. Far from agreeing with the minister, the council has invited the telecommunications companies to talk with it about its proposals. The council intends to conduct a workshop on 10 April, to which Telstra, AAPT and Optus have been invited. The topics will include various propositions. Proposition 1 states:

> Higher population densities and socioeconomic levels have access to better communications infrastructure and services; if this continues the digital divide will widen.

The government's premier advisory body on infrastructure is saying that the divide between country and city Victoria is expanding every week because of the government's failure to provide broadband infrastructure.

Minister Brumby, the so-called minister responsible for information technology (IT) in Victoria, ridicules the Liberal Party's proposal for broadband access. What

does the Premier's own infrastructure planning council say? It proposes:

> a universal broadband access commitment (UBAC) — 1 megabyte for households, 2 megabytes for businesses and ISP access for the cost of a local call everywhere in Victoria, to be implemented within 24 months.

The minister ridicules the proposal, saying, 'Write your own cheque'. Who is right — Mike Fitzpatrick, a leading business supporter of the government, the chairman of its infrastructure planning council and an adviser to the Premier, or the so-called Minister for State and Regional Development?

Rural and regional Victoria is characterised by a high number of small businesses, which constitute the core of employment in many regional cities. Proposition 3 from Mike Fitzpatrick's planning council states:

> Small and medium enterprises (SMEs) are disadvantaged in terms of access and cost. Eighty per cent of employment is in SMEs — their continued viability and international competitiveness is threatened.

Proposal 3 is about creating a single point of assistance and information about physical connections, availability of services, prices, the aggregation of demand and brokering solutions.

Having left these notices of motion on the notice paper since November 1999, it is extraordinary that the government is determined not to debate them. I see a country member of the Labor Party has entered the Parliament. Does the honourable member for Bendigo East want to debate the issue? No, she does not. Too much time is spent with the Emily's List group learning to sharpen political knives and not enough time is spent looking after the interests of rural and regional Victoria.

Both the Liberal Party and the National Party stand ready to debate notices of motion 1 to 5. That they remain on the notice paper undebated represents a dismissal of the needs and wants of regional Victoria. The Minister for State and Regional Development is not committed to the issue. The government's investments are focused on unproductive areas, and its policies are those of a bygone era. When the government asked for advice from Mike Fitzpatrick and the infrastructure planning council it was told it was wrong. It was told it should be investing in universal broadband access in the way proposed by the Leader of the Opposition but ridiculed by the Minister for State and Regional Development.

These motions should be debated, and there is time to do so. The Parliament could sit for a further week this month or next. The Liberal Party stands ready. The government is policy lazy and bereft of ideas and legislation. The Liberal Party supports the position of the National Party and opposes the motion moved by the Leader of the House.

Mr BATCHELOR (Minister for Transport) — It is important that I place a number of things on the public record. Before I look at the opposition's motives and the government's response, I will point out a number of inaccuracies introduced into the debate by the honourable member for Doncaster — and it is a mystery why the honourable member would want to do that. Perhaps he understands that the level of this debate is low and that his speech was on a par with the other low-level contributions. It was one of the worst contributions I have heard from the honourable member, who is usually much better informed and usually a much better parliamentary performer. When he engages in debate he usually acknowledges the facts. On this occasion, however, he was sadly out of line.

It could be because he failed to rate a mention in the Liberal Party stakes as reported in this morning's newspapers. The honourable member for Doncaster is well down the back of the pack, and if you want to bet on him you cannot get better than 100 to 1. I would think that after today's contribution he is probably about 550 to 1.

The ACTING SPEAKER (Mr Plowman) — Order! The minister is straying from the relevance of the motion.

Mr BATCHELOR — I was doing it only to the extent that I was duty bound to respond to the inaccuracies introduced by the honourable member for Doncaster. If the honourable member has dragged me away from relevance, it is because that is where he has been himself.

The ACTING SPEAKER (Mr Plowman) — Order! Is that an admission that your remarks were not relevant to the subject matter?

Mr BATCHELOR — I am only traversing the same area you allowed the honourable member for Doncaster to traverse in this wide-ranging debate — namely, a consideration of the motives of the honourable member. In particular, he raised the decision by AAPT and sought to claim credit for it. He knows that is not true. He obviously takes the view that if you say things you know are not true often enough people will begin to believe them. It is not true, and the honourable member for Bendigo East has previously dealt with that. If the honourable member for Doncaster wants to know what has occurred in that matter, he

should refer to her contribution during debate in this house on 1 March. If he did he would understand that what he is saying is absolutely not true.

He has made these claims in the public domain before, but he made them in a forum where, unlike this place, people do not hear them or cannot respond to them. He was audacious, and now he has been called to account. He made statements about newspaper articles published in Bendigo that were absolutely refuted by the mayor. The mayor said that the first contact the City of Greater Bendigo had had with AAPT was in November 1999. That was after the former government, of which the honourable member for Doncaster was a leading member, was thrown out of office. It was after the election, so it is absolutely inappropriate for the honourable member to say what he said in the public domain — and it is even worse to say it again in this house knowing it not to be true.

Members of the opposition have abused the forms of the house. For them it has been Groundhog Day. They have being caught in a time warp and are unable to get out of their vicious cycle of time wasting. The government will give the opposition the opportunity to get out of it; but for two days in a row the opposition has debated the same procedural point. Yesterday we had exactly the same debate and heard exactly the same people — and they have sought to perpetrate the same filibustering effort two days in a row.

There is nothing in what they have to say. The real leadership team and intellectual capacity of the opposition was not involved in the debate, either today or yesterday. The opposition put up speakers who have nothing else to do. The opposition is lazy. The only thing opposition members can do is waste time in this chamber, day after day. They also wasted time on a procedural motion yesterday, because in opposition they have become lazy. They cannot pursue the real work that an opposition should do, so the only thing they have left to do is play procedural tricks.

Yesterday the impact of that was to make the house sit until almost 1.00 a.m. The time that was wasted during the core part of what should have been government business had to be added onto the end of the parliamentary day. Now the opposition is attempting to do it again today. It wants to frustrate and thwart the hard work the government is doing by using this procedural filibuster. We say to opposition members, who seem caught up in Groundhog Day, that we will help them break out of the narrow miasma they are caught in so they can learn what a real opposition is supposed to do.

We come into the house and hear the same old arguments from the same tired and lazy opposition faces.

Mr Steggall interjected.

Mr BATCHELOR — The honourable member for Swan Hill says thank you for the description. Opposition members warmly embrace this because they know it is how they want to behave — but unfortunately for them the Victorian public knows it is completely inappropriate.

Any parliamentary democracy needs an intelligent, hardworking and relevant opposition. Unfortunately, we do not have that in Victoria. The opposition parties have pulled the same tired old procedural tricks two days in a row. They have had no interest in debating these issues, which is shown by their contributions. They have not made a single relevant argument.

The arguments of the honourable member for Doncaster have already been refuted by people who know, both inside the chamber and out in the community. The honourable member waxed lyrical about his engagement with rural communities. Our searches of *Hansard* show that the argument put by the honourable member for Doncaster is incorrect. They also expose his irrelevance and demonstrate that he is out of touch with rural communities.

Opposition members can continue this infantile time-wasting effort all they like, but they should not expect the government to participate in and facilitate it. If they want to go on with this sort of procedure, day after day, the government will take steps to make sure that they cannot continue to abuse the forms of the house, firstly to try to stop the government from proceeding with its legislative program, and secondly to delay the Parliament, preventing it from working during the ordinary hours of the day and transferring that work to later in the night.

Opposition members have positioned themselves to waste the core part of the parliamentary day. By their actions they have assumed that they are able to prevent members of the public coming to this place and providing the necessary scrutiny and accountability that the parliamentary process requires.

What is the impact of that, Mr Acting Speaker? The press gallery is empty. The public galleries are almost devoid of people. Those in attendance may well be relatives of the honourable member for Monbulk, because nobody else is interested in what he has to say — and that is probably the extent of his friends and his fan club. That is a sad reflection on the honourable

member for Monbulk, who is one of the participants in today's charade.

As members of government we say to members of the Liberal and National parties, 'We are alive'. They have said they will continue to do this, day in, day out, just to waste time and force the Parliament to sit late into the night and early the following morning.

You will remember, Mr Acting Speaker, that it was not very long ago that the Liberal Party forced the house to sit through to 7.00 o'clock the following morning. It was condemned around the town by everyone with an ounce of sense, from political commentators to almost every primary school student who heard what was happening. They all saw that it was futile and a waste of human resources, time, money and energy. It was a petulant, low act by the opposition.

That behaviour has manifested itself again today, as it did yesterday — and the opposition parties say they will do it every day. They say they will waste thousands of dollars of taxpayers' money — and they are proud of it. They think it is a good idea to come into the chamber and fritter away time, waste human resources and grind the parliamentary staff into the ground by forcing them to sit later into the night because they wanted to have a Mad Hatter's tea party during the day. The government will take steps to make sure the opposition parties will not achieve their desired outcome.

When the opposition parties bleat like stuck pigs afterwards, they will bear the consequences. I give this warning: the government will not allow them to make a farce of the parliamentary process.

The Bracks government is a hardworking government that wants to get on with its legislative program. If we have to sit into the night to do that because of the opposition parties' filibustering during this important part of the day, we will do so. We will not be dissuaded from pursuing our legislative program by a bunch of people who would rather be at the Mad Hatter's tea party because they are too lazy to do the work that an opposition must do.

In concluding — —

An opposition member interjected.

Mr BATCHELOR — I will not waste time! In concluding my comments, I hope opposition members will see commonsense and realise what the broader community expects of them. If they attempt to portray the events of today and yesterday as anything other than a massive waste of human resources, parliamentary time and thousands of dollars, and an attempt to sabotage the Parliament and grind parliamentary staff into the ground we will expose this for the fraudulent exercise it is.

Mr RICHARDSON (Forest Hill) — I am pleased to support my colleagues in the opposition and my colleagues and good friends in the National Party in opposing the motion that the house should not consider these notices of motion, which have been on the notice paper from day one, when, to its amazement, the Labor Party became the government.

These are important motions. They have not been put on the notice paper by just anybody; they have been put there by the political heavyweights of the Labor Party. I should have thought each of them would feel quite insulted that every day since they gave notice of these motions the minister in charge of proceedings in the house has moved that their motions should not be debated. The Premier, the Attorney-General, the Deputy Premier, the Minister for Education, and the Minister for Police and Emergency Service have been relegated to irrelevance.

I am interested particularly in what the Minister for Education might feel about the way in which she has been treated. I should have thought she would want to explain to the house why she is currently trumpeting the achievements in reducing class sizes and proudly claiming that 21 is the average class size for grade 2s. I should have thought she would want to explain the figures from her own department dated February 2001. Running down the first page at random, the Albanvale Primary School — —

Mr Nardella interjected.

Mr RICHARDSON — You should be interested in this. The average class size at the Albanvale Primary School is 26.7, but the figure for the grade 2s is also 26.7. It is not 21; it is 26.7. The average class size at the Albion North Primary School is 25.1, but the figure for the grade 2s is 25.5. Again, it is not 21. At the Altona Meadows Primary School the average class size is 26 and it is 25.3 for grade 2.

These are just some of the things that I am sure the Minister for Education would have wanted to discuss. I should have thought she would have wanted to discuss with the house the Australian Education Union's state budget campaign, in which it is going to heavy the state government — particularly the Minister for Education, the one who has given them everything it has asked for up to date — into giving it even more money. I should have thought she would also want to discuss the result of a survey, which shows that most Victorians believe

the Bracks government has made no difference to the education system. That was according to a poll taken by — would you believe it? — the Australian Education Union, which claims that the poll is a warning that the government needs to do more for its schools. The reference to the poll was reported in the *Herald Sun* of 21 March this year.

If the government does not bring these motions on for discussion, the Minister for Education will not have an opportunity to explain the absurd statements she has made and the contradictions between what she has said and what her own department has said is the reality of the situation. The other matters in the five motions are equally important. I condemn the government for not allowing these ministers to proceed with them.

Mr HOLDING (Springvale) — It has been a fascinating debate. Opposition members have drifted in here during the day trying to argue that we should be debating the five motions on the notice paper that were moved when this Parliament first met in November 1999. What is their motive for doing that? They want to distract attention from their own disarray and irrelevance.

On April Fools' Day at the farcical Liberal state council meeting the Leader of the Opposition stood up, apologised — mea culpa — and said sorry for all the wrongs of the Kennett government, for its failing to listen to the Victorian people, and for its unwillingness to engage with rural and regional Victoria over the course of the seven dark years of the Kennett period. He stood up and said they were sorry. Then opposition members come into this chamber and waste the time of the Parliament and the government and waste the opportunity for Victorians to hear debates on the significant pieces of legislation with which the house has to deal. They want to waste the time of the Parliament and filibuster.

Today is the second time they have done this and been down this sorry path. Yesterday they failed and did not have the support of the house in sidetracking the Parliament and wasting people's time to ensure that their business, the critical legislation that faces Victorian people, was not debated. Instead of wanting to debate that, the opposition wanted to filibuster and waste the time of Victorians and of the Parliament.

Having failed yesterday, today they are pulling the same sorry stunt. As the Leader of the House said, it was like Groundhog Day to see the opposition drift in here again today and run the same sorry arguments about why the filibuster should continue and why people's time should be wasted. Why are they doing it? We know why they are doing it. They want to deflect attention from their own state of affairs.

Today's *Herald Sun* contains an article headed 'What to do with deputy?'.

The ACTING SPEAKER (Mr Plowman) — Order! I have already asked a previous speaker to come back to the relevance of the motion before the house. I believe the honourable member is not being relevant.

Mr HOLDING — Mr Acting Speaker, I think it is important to understand why the opposition would want to filibuster and distract attention from its own state of affairs. It is relevant to look at the state of the opposition in this Parliament and ask: why would it want to waste the people's time? Why would it want to filibuster if not for its own sorry state of affairs, its own irrelevance, and its own inability to develop a political strategy and a coherent plan? Why can't it come in here with a coherent, sensible, explicable political strategy — —

Honourable members interjecting.

Mr HOLDING — What are we debating? We are debating a motion that we proceed with government business and government legislation.

Honourable members interjecting.

Mr McArthur interjected.

The ACTING SPEAKER (Mr Plowman) — Order! The honourable member for Monbulk!

Mr HOLDING — What does the opposition want to do? It wants to deflect attention from government business and from legislation. The opposition does not want to debate legislation; it wants to waste the time of people by filibustering. It has a complete unwillingness to engage in debate on legislation and about ideas and where the state is going. Instead, it wastes Parliament's time by filibustering — for the second day in a row!

Yesterday the strategy failed to get the support of the majority of members of this chamber. Today the opposition is pulling the same stunt of going down the same sorry, disorganised, irrelevant, and introspective path and is wasting people's time.

An honourable member interjected.

Mr HOLDING — Who have they sent in to continue this debate? We have heard from the honourable member for Forest Hill, the silent member from whom we usually hear so little. He is the one who has the spare time to sit in the chamber and make a

contribution to this debate. When are we going to hear from the Leader of the Opposition about where he sees the opposition going? He is too busy shoring up his own leadership to come in here and put his case. He has left it to the honourable member for Forest Hill, the honourable member with enough spare time to sit in the chamber and engage in this kind of time-wasting filibustering. Why is the Leader of the Opposition unwilling to make a contribution to the debate? He is out there at his own branch trying to shore up his hopeless leadership.

I urge honourable members to support the motion so the house can proceed with some real business and real legislation.

Mr STEGGALL (Swan Hill) — It has been an interesting few minutes, to say the least. I find this discussion particularly interesting. When I listened to the Leader of the House I had to watch to see that he was not smiling as he made his comments. Had the new members on the Labor Party back bench been in this place for the seven years while he was manager of opposition business they would know that the tactics and the tricks and the stunts and all the things that he got up to in that time make this look like a little picnic!

Mr Speaker, you would be aware that the motion — —

An honourable member interjected.

Mr STEGGALL — No, we had to handle the issues. Yesterday the honourable member for Footscray stood up and told us how terrible the opposition parties were and he spoke about all the awful things we did. I well remember when he was in opposition the night when he got to his feet at 11 o'clock and went for 3 hours. Unfortunately members of the then government gave him unrestricted time to speak on a bill. We nearly killed him, and after that we tried not to let the opposition loose late at night without imposing time limits.

However, this is very different. This is about five government motions, led off by one in the name of the Premier of this state, left on the notice paper for what is now 18 months. That fact has been annoying some of us for a considerable time, and the motion currently being debated is that those five motions should be brought on for debate. The opposition is speaking against the postponement of debate on those five motions.

The honourable member for Springvale was worried about the opposition wasting time and the house not handling government business. It is not a matter of that. Members of the opposition parties are trying to handle government business; we are talking about government business. The Leader of the House knows full well that the house is debating a motion moved by the government that it not go on with some of the government business it wants to go on with. As the Leader of the House said, it is the same procedural point as that debated yesterday. It is the same procedural motion that this government has been moving for the past year and a half, and it is time the bluff was called and the stunt put in its place.

If the government wishes to debate government business, notice of motion 1, let us get on with it and debate it. If it does not wish to debate it the notice should be withdrawn. All it takes is a simple motion. The Leader of House knows the words full well. He can move that notices of motion 1 to 5 be deleted from the notice paper. He would have to debate that and he would have to have good reason for it. He and the Premier and the other seniors ministers — the Attorney-General, and the ministers for health, education and police and emergency services — gave notice of these motions and the opposition parties believed in those days they might have been interested in debating them.

Mr Nardella interjected.

Mr STEGGALL — Look, I love it! I really miss it when I have to speak in this place and the honourable member for Melton is not here. I am delighted he is here today. I will go back to some of the comments of the honourable member for Melton which the Leader of the House will be most pleased to hear. He gave a lecture earlier in the day about how it is the government that runs the Parliament and this house. The government gave notice of a motion and I believe it is the right of the house to debate that.

I listened to the honourable member for Springvale who said, 'You cannot do that because you lost the vote yesterday'. He does not know much about Parliament! I listened to the honourable member for Burwood, who said, 'We are here to debate legislation — that is the main role of Parliament'. That is not the main role of Parliament; the main role is accountability. The main role is to test out — —

Honourable members interjecting.

Mr STEGGALL — Yes, I am well aware of the seven years. But it is about accountability. It should have been 13 or 14, but it was only 7.

The main purpose of the Parliament is accountability. I could say to the honourable member for Mitcham that maybe the former government would have been a better

government had it been more closely scrutinised and made more use of the Parliament to make it accountable for its actions. No-one is going to argue that. What I am saying is that this government has listed motions on the notice paper — the former government did not do that — and, having done so, it is duty bound to debate those motions.

The argument about wasting time is interesting. None of us wants to waste time; none of us likes late nights. As the honourable member for Melton said in his little contribution, 'We, the government, run the Parliament'. Well, you had better start running it, China, because you have a fair way to go! If you want to run the Parliament, you have the means by which you can do it. If you are going to come into this Parliament and move motions each day to take certain actions and expect the opposition not to react then think again. This is a Parliament. I have equal rights in this place as those afforded the honourable member for Melton. I suggest that he consider closely the role and function of this place. If the government is going to pull smart alec tricks and use them to its advantage it will be challenged.

For the past two days question time has gone for an hour and 5 minutes. That is pretty disgraceful — even the Leader of the House would agree with that.

Honourable members interjecting.

Mr STEGGALL — The Leader of the House would understand. Those who sneer at question time are the ministers. They are the ones who have control. The poor old opposition gets 30 seconds to ask a question and a minister gets a quarter of an hour to answer it! Is that right? Ministers of the former government used to try to do it in 5 minutes if possible. That was our effort.

The way this Parliament is being run is not to the liking of most of us who are members of it. It is high time the Premier and the Leader of the House looked at what is happening to them and to this place. When you look at the notices of motion sitting on the notice paper, you see just how silly they are. If they are not going to be debated, it is understandable why some people become cynical about it.

The Leader of the House speaks about the charade. There is no charade here and there is no wasting of time. If the government is going to move motions, the opposition will debate them. There are ways and means for the government to resolve this issue: the motions can be debated or withdrawn from the notice paper.

I admire the Leader of the House for coming into the house to debate this motion. He is the first of the ministers who has had anything to say since yesterday — except for a few points of order from some ministers — and it was rather refreshing to hear. I thought, 'Oh, we might have a little interesting chat', but those who know his history and read his contribution today will know it is laughable stuff. When we were in government and he was in opposition he was the leader of every stunt around. I respect and admire that. I suppose he learned his craft from Tom Roper, by far the best Leader of the House I have seen. He knew every little rule and every nook and cranny and he fought and scratched on every issue. He is one that we admired a lot and we got to know him very well. Believe me, we got to know him very well!

There are many reasons we would like these motions debated. For example, we are currently entertaining discussions in country Victoria on the single desk and barley marketing — —

A government member interjected.

Mr STEGGALL — Don't feel bad about it, Lady. We have here the national competition policy document. The state Treasurer is one who has been saying that because of national competition policy we should be looking at deregulating the barley industry.

We looked at the national competition policy document on barley and found a document showing an American lupin crop with an American harvester on the front page securing a future for Australian agricultural barley. Isn't that nice? Then on the back page where we see barley photographed we find it is wheat. We would dearly love to be able to take further the motions and the debates on the single desk to try and get those through.

The discussion this afternoon has been in many ways challenging. I think we all should have a look-see to discover where we are going and what we were doing. If the government wishes to govern and operate the Parliament — and as the honourable member for Melton reminds us, he runs it; he is a member of the government — it should take the responsibility to ensure that the procedures of this Parliament are carried out in a manner befitting a proper and responsible government and not have motions sitting on the notice paper, nos 1 to 5, that it has no desire to debate.

I support the Leader of the National Party and the speakers from this side of the house who are opposing the postponement motion which is before the house. I trust that the government might after the discussion today consider its position and either bring those

motions on for debate or withdraw them from the notice paper.

Mr LANGDON (Ivanhoe) — I move:

That the question be now put.

House divided on Mr Langdon's motion:

Ayes, 45

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

Noes, 40

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

Motion agreed to.

House divided on motion:

Ayes, 45

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

Noes, 40

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

Motion agreed to.

FOOD (AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) — I move:

That I have leave to bring in a bill to amend the Food Act 1984 and for other purposes.

Dr DEAN (Berwick) — I ask the minister for a very brief explanation of the contents of the bill.

Honourable members interjecting.

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

Mr THWAITES (Minister for Health) (*By leave*) — I am happy to oblige the honourable member with a very brief explanation of the bill! The bill

reforms the regulation of food safety in Victoria to implement a system of food templates for small business. That will be of great benefit to small businesses around the state which have been complaining about the impracticality of the previous legislation. It also introduces the provisions of the national model food bill, which has been agreed by all states and the Council of Australian Governments. That will lead to a new national approach to food, with increased penalties and better management of the food system.

Motion agreed to.

Read first time.

TOBACCO (FURTHER AMENDMENT) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) introduced a bill to make various amendments to the Tobacco Act 1987 and the Tobacco (Amendment) Act 2000 and for other purposes.

Read first time.

HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL

Introduction and first reading

Mr THWAITES (Minister for Health) — I move:

That I have leave to bring in a bill to amend the Health Services Act 1988 in relation to the supply of goods and services to health or related services, including public hospitals, to establish Health Purchasing Victoria and for other purposes.

Mr DOYLE (Malvern) — I ask the minister to give a brief explanation of the bill, particularly in relation to the supply of goods and services to health or related services.

Mr THWAITES (Minister for Health) (*By leave*) — The bill will establish a new body, Health Purchasing Victoria, and the purpose of that is to better coordinate the purchasing of goods by our hospitals in order to save money and get more efficient purchasing power. The bill sets out who is on the Health Purchasing Victoria body and the guidelines under which it will operate.

Motion agreed to.

Read first time.

ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL

Introduction and first reading

Mr BATCHELOR (Minister for Transport) introduced a bill to make miscellaneous amendments to the Road Safety Act 1986, the Marine Act 1988 and other acts related to alcohol and drugs enforcement and for other purposes.

Read first time.

BENEFIT ASSOCIATIONS (REPEAL) BILL

Introduction and first reading

Mr CAMERON (Minister for Local Government) introduced a bill to repeal the Benefit Associations Act 1958 and for other purposes.

Read first time.

AUCTION SALES (REPEAL) BILL

Introduction and first reading

Mr HAERMEYER (Minister for Police and Emergency Services) introduced a bill to repeal the Auction Sales Act 1958 and for other purposes.

Read first time.

PERSONAL EXPLANATION

Ms LINDELL (Carrum) — In a contribution to yesterday's adjournment debate the honourable member for Mordialloc misrepresented me, in that he made an allegation that I had misused funds provided by the Victorian government to the Chelsea Community Health Centre. I categorically deny this allegation.

CONSTITUTION (SUPREME COURT) BILL

Second reading

Debate resumed from 1 March; motion of Mr HULLS (Attorney-General).

Opposition amendments circulated by Dr DEAN (Berwick) pursuant to sessional orders.

Dr DEAN (Berwick) — The bill is made up of two parts: the first being amendments to the Constitution Act to make changes to the Court of Appeal, and the

second to make amendments to the Magistrates' Court (Infringements) Act.

The opposition is extremely disappointed with the decision to go ahead with the first part of the bill. It is this part to which my amendments are directed. It makes changes to the Court of Appeal that, so far as the Liberal Party is concerned, undermine that august body. The Court of Appeal, which was created by the previous government in 1994, has been a successful court and is slowly amassing a reputation as the pinnacle court in the state alongside the Court of Appeal in New South Wales.

The opposition believes the decision to interfere with that court and make changes to its processes will undermine it. The opposition has no doubt that even the government would agree that the Court of Appeal has been a successful court and that the decision to create it was a good idea.

One of the difficulties with courts of appeal is that they must be consistent. The whole point of having a pinnacle court, such as the High Court of Australia, is to have consistency, so the people who read the judgments have an idea, as a consequence of knowing the judges, where the court is heading. Certainty in the law is an important aspect of the judicial system. One of the weaknesses of the previous system, whereby appeals were made to a full court made up of any of the judges of the Supreme Court at any one time, was that the inconsistency between judgments meant that the full court did not amass, as has the Court of Appeal in New South Wales, a reputation for consistency and high-quality judgments.

One needs to remember that the Court of Appeal is a black-letter law court; it is not a trial court. Court of Appeal judges carry out a different function from trial judges, but neither are more important than the other and neither require more expertise than the other — they merely require different expertise. Judges of the Court of Appeal have shown the expertise and ability to interpret legislation and the law through history and to make decisions on what we call black-letter law, which are decisions of a strict legal nature. Judges in the trial division make decisions at trial and are expert at running trials. They know when a barrister is trying to pull the wool and when counsel appearing before them stray into inappropriate areas. They are experts in trials.

Some judges are regarded at the bar as being brilliant in both areas — I would put the President of the Court of Appeal in that category — whereas some judges would themselves say that their expertise is either in black-letter law or in running trials, determining the facts and so on.

Why is it that the government has decided to disrupt the system and create a situation that is almost a return to the days of the full court? A trial judge can already be elevated temporarily to the Court of Appeal if that court needs a hand, but nowhere to my knowledge — certainly not in the New South Wales Court of Appeal — is there a situation where a judge can be taken from a court of appeal and put back into the trial division to determine trials. There are good reasons for that.

Firstly, as I have said, it is horses for courses. Secondly, most courts of appeal are flat chat. Certainly, Victoria's Court of Appeal is very busy. It has a huge amount of work to do, so disrupting it by taking one of its members to try to fill a gap in the trial division is totally inappropriate. Thirdly, if the trial division of a court is short of judges, more trial division judges should be appointed. That is what governments are required to do. To rob Peter to pay Paul will simply exacerbate the situation. It may assist the trial division, but it will do so only in the short term, because sooner or later Paul has to pay back Peter, and the trial division will still be left with a hole. Furthermore, taking Peter from the Court of Appeal will leave that court in trouble. It does not make sense.

There are other reasons. Trials these days can be incredibly complicated, and judges are becoming involved in directions hearings and trials at an earlier stage in the trial process. Trials have adjournments, and there are all sorts of changes to them for appropriate reasons, so a case that is set down to run for two weeks may run for two months. A building case I had was meant to run for two weeks but ran for six weeks — much to the delight of my clerk and my wife.

An honourable member interjected.

Dr DEAN — I do not mean that, of course. I withdraw that comment.

If a judge is taken from the Court of Appeal and put on a trial on the basis that they will have to go back at a certain time — there are limitations in the legislation prescribing how long they can be in the trial division — and the trial suddenly blows out and becomes a split trial, what then? Will the judge be taken off that case and put back into the Court of Appeal or will there be a breach of the act? The Court of Appeal will probably need that judge, so what will happen if it is a split trial? If the judge is put back into the Court of Appeal to preside over another case, what will happen when the

second part of the trial comes on again? The judge will be caught in the Court of Appeal and will not be able to hear the second part of the trial case. The logistics of it are crazy. Other jurisdictions have not followed this path because it is crazy.

Even if one ignores the commonsense reasons — horses for courses; the Court of Appeal is already busy; if there is a need for more trial judges they should be appointed; and the difficulty with the logistics — the legislation states that the Chief Justice and the president must agree before it can happen.

From questions I have asked of the department I understand that that was originally not the case. The poor old President of the Court of Appeal was not going to get a look in; the Chief Justice was going to determine how judges from the Court of Appeal would move backwards and forwards between the divisions. Luckily that was changed, because it would have caused a real mess.

With judges as busy as they are, I would be stunned if the President of the Court of Appeal agreed to one of his judges crossing to the trial division. If the president rarely agrees to that happening, it will be a farce. The legislation will sit on the books and nothing will happen. In this place we try not to enshrine legislation that has no hope of being used.

The government is embarrassed to have proceeded with the bill. Articles concerning backlogs have appeared in the newspapers, together with statements by the Attorney-General and Mr Justice Vincent, and the Chief Justice has written letters to the *Age*. A range of signals have been sent to government saying, 'Don't do this, don't do this, don't do this!'.

When the issue was first mooted an article by Darrin Farrant appeared in the *Age* of 21 February pointing out that legislation could be introduced to enable Court of Appeal judges to move across to the trial division to fill some of the gaps in that division. The Attorney-General was reported as saying that there were no plans to lift the overall number of judges, despite concerns that most of the state's judiciary is overworked. The article states:

> Mr Hulls said yesterday he believed the scheme — a reversal of the existing system in which Supreme Court judges sometimes work in the Court of Appeal — would resolve the backlog problem in the Supreme Court.

The Attorney-General was categorically saying that he was doing it not to make the system more flexible but to overcome a backlog. The judiciary and the bar council responded quickly to that statement, as the article states:

> Victorian bar council chairman Mark Derham, QC, said the court remained one, if not two, judges short of an appropriate bench and said he was concerned that Court of Appeal judges were too busy to acquire extra work.
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> 'There is also the difficulty of coordinating trials in the trial division to fit with the organisational requirements of the Court of Appeal', he said.

There followed some brilliant comments by the shadow Attorney-General that I am too modest to read.

In response to that article the Chief Justice of the Supreme Court took the unusual step of writing a letter to the *Age* to get the message across to the Attorney-General. Heaven knows what sort of communication there must be between the two if it is necessary for the Chief Justice to write a letter to the *Age* rather than talk to the Attorney-General on the telephone. Under the heading 'Court urgently needs two more judges' the letter states:

> The article 'New plan to cut court's backlog' — the *Age*, 21/2 — asserted that the government had no plans to lift the overall number of judges and that a scheme whereby Court of Appeal judges would preside over trials in the Supreme Court would 'resolve' a 'backlog problem' in the court.
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> It is to be hoped that neither assertion is factual.

Unfortunately it was, because that is what the Attorney-General said.

> There is an urgent need for two additional judges to be appointed to the court's trial division. The government has, as of late last year, a report that sets out this need in detail.
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> Because of the volume and nature of work in the Court of Appeal, the proposed scheme could provide, at most, minimal assistance to that division by appeal court judges. It cannot, and must not, be regarded as a substitute for the two additional appointments. It is the court's understanding that the Attorney-General intends to seek a special appropriation to fund them.

Towards the end of the article he states:

> To read the article, with its unreal impression of the Supreme Court, is a profound disappointment. It demeans the judges' achievement and the effort that went into it —

that is, the efficiency of the court.

Justice Vincent made some comments on 10 October 2000 that were reported in both the *Age* and *Herald Sun*. He pleaded with the Attorney-General to give him more judges to assist in overcoming the backlog of murder trials. His point was simple: justice delayed is justice denied. People charged with murder, whose lives revolve around a determination of their innocence

or guilt, are kept on tenterhooks for more than 12 months because the Attorney-General, a minister in a government dripping with money, cannot provide the funds to replace judges who have left the Supreme Court. The situation is atrocious. When a judge must go to the newspapers to plead for a problem to be fixed, you can be assured that the matter is serious.

Those comments were made in October last year. Since then, Mr Justice Bongiorno has been appointed to replace Mr Justice Hampel. However, as all honourable members know, the reserve judges who are filling the gaps are not willing to continue as they have in the past because they now wish to proceed with their retirements. As a consequence, as Mr Justice Vincent has said and as has been repeated by the Chief Justice and reported in the newspapers, we need more judges.

A basic requirement of an Attorney-General is that he or she ensures that the judiciary is appropriately manned. Otherwise people do not get justice, and a community where justice is not provided is a community that is not civilised. We should be ashamed that the Chief Justice has to write a letter to the *Age* to try to correct an impression given by the Attorney-General, who believed that by the sleight-of-hand trick of changing the Court of Appeal he could somehow obviate the need for another two judges to be appointed to the Supreme Court. That is why the opposition will oppose this part of the bill.

The opposition will not oppose the amendments to the Magistrates Court Act, which are simple and straightforward. When the government introduced amendments to ensure that warrants and enforcement orders coincided, it mucked them up completely. Now it has had to take those amendments out and put in some new ones. Boy, have we heard that tune before!

Another amendment is designed to ensure that each police station has an area that can be called a prison so that the Department of Corrections can make decisions about people who have been arrested on PERIN Court warrants. There are also some small changes to ensure that regulations can be made under the act. All that is fine.

However, it is a bit of a disgrace to include procedural amendments to the Magistrates Court in legislation that will have such a fundamental effect on the Supreme Court. That sort of thing frustrates Parliament's attempts to deal appropriately with the Constitution Act. In putting procedural Magistrates Court amendments together with a massive, unheard of and crazy change to the Court of Appeal the government is in effect saying, almost in contempt of the Parliament, 'We are going to confuse you. We are ensuring that you cannot block the whole bill, because if you do the Magistrates Court will suffer'.

Therefore, the opposition will move an amendment to delete that part of the bill pertaining to changes to the Supreme Court, because they are not necessary and will cause chaos. The courts themselves, and the bodies that represent lawyers, are all against the change.

One of the achievements of the previous government of which I am most proud is the creation of the Court of Appeal. It had been talked about and thought about for such a long time. I am also very proud of the quality of the judges appointed to that court. There is not a lawyer from here to Timbuktu who could fault any of those magnificent appointments. To downgrade the appeal court in the early years of its life is to insult it. The court was created in 1994, so it has only had six or seven years, which is a short time in which to establish a reputation and precedents. The change undermines its status and its reputation and is totally inappropriate.

One thing the government might say, although it has certainly not been given as a reason by the Attorney-General, is that it is important to ensure that members of the Court of Appeal have experience in the trial division. If you want to appoint someone to the Court of Appeal who has that sort of experience, that is the sort of person you appoint. You look to a person who has that experience and you say, 'Yep, we want him or her on the Court of Appeal', and an appropriate person is appointed, just as happens in the High Court. You do not pretend to yourself that a judge who has had no experience in the trial division will somehow develop that experience by being moved down to hear a trial before getting moved back up again. As if that will somehow equip them with the knowledge they need about trials!

By the way, it is a bit unfair on the person being prosecuted to have a Court of Appeal judge, a person whose expertise is in Court of Appeal black-letter law, hearing his case as part of learning a bit about the trial division. That might assist the judge, but it will certainly not assist the person being prosecuted. The whole concept is idiotic nonsense.

The opposition does not take such matters lightly and does not move amendments unless it feels it has to. We have made it clear to the government that we are not proposing to block the legislation. This is not a situation where, when the legislation goes to the upper house, the opposition will vote against it in its entirety.

I repeat that honourable members should be angry that amendments affecting two completely different parts of the judicial system have been put in one bill, making it difficult for one house to make particular statements about it. Nevertheless, the opposition will not frustrate the Magistrates Court amendments and will not use its numbers in the upper house to block the bill.

The opposition will ask the Independents to vote with it because this is not a necessary amendment. The opposition will fight for its amendment to ensure that that part of the bill is removed and the Court of Appeal is allowed to grow and develop its reputation in the way it was intended.

Mr RYAN (Leader of the National Party) — It is my pleasure to join the debate on the Constitution (Supreme Court) Bill. The legislation represents a task undertaken for little practical purpose, because what it intends will never happen. The reason is that people who are party to the practical operation of the legislation will never ever be in agreement. That being the case, the legislation cannot take effect.

The bill represents the ideological bent of the Attorney-General, who for reasons best known to himself and in the face of the best advice, has sought to undo an excellent initiative that the previous government undertook in 1994. That initiative, which was in accord with the approaches taken in other jurisdictions around Australia, was long overdue. It amounted to the creation of an appeal court to separate that process from the trial division. It was a good initiative that has stood the test of its relatively limited time in operation. It has been universally hailed within and beyond the law as a great success. The court is ably led by the president, Mr Justice Winneke. It has fully realised the aspirations of the former government, particularly the former Attorney-General, the Honourable Jan Wade.

The bill seeks to undo a critical component of the initiative that saw the creation of the Court of Appeal. It strikes at the most essential of the principles underpinning the establishment of a specialist court to conduct appeals.

To put it crudely, I do not think it is appropriate to have judges coming from the interchange bench, as it were, into the trial jurisdiction in circumstances that will cause considerable dysfunction in the respective courts. It will undo the principle that drove the establishment of the appeal court in the first instance.

As an aside, I point out that I never had much luck in the appeal court. Whenever I had good wins people would appeal and I would end up back in the trial court or with an outcome that was not as good as the original result. On the other hand, when I got done and went to the Court of Appeal I never had much success in getting the decisions overturned!

As I have said, I am a strong supporter of the current appeal court structure and everything associated with it, and my comments are all the more genuine given that my experience of appeal courts was none too flash, to put it mildly.

One of the great achievements of creating the Court of Appeal was that it separated out those who dealt with trials on a day-by-day basis, an activity which from the viewpoint of the bench has its own specific requirements and degrees of expertise. It therefore enabled the establishment of a specialist court for those who were able to devote their attention to the notion of appeals.

Although by general definition members of the judiciary have the capacity to do both tasks, there is no doubt that the carrying out of each is the better for the creation of a specialist appeal court. If we proceed down the path of setting up an interaction between the Court of Appeal and the trial courts, it will undo the excellent work that has been done not only with the legislation but also by the appeal court since its inception.

The bill is small, comprising only half a dozen clauses that relate to its principal activity, which is about the capacity to move judges from the Court of Appeal to the trial division of the Supreme Court. Other provisions of a relatively minor nature relate to the Magistrates Court, to which I will return shortly.

Clause 1 summarises the purposes of the bill, which, as I said, provide for the temporary assignment of appeal judges as additional judges of the trial division. The mechanical aspects of the legislation are in clause 3, which is headed ‘Additional judges of trial division’. It is interesting to note the way it is structured. Proposed section 80C of the Constitution Act provides that a judge will be able to be moved out of the appeal court to the trial division for the purpose of hearing general trials for a period not exceeding six months. For that to happen there must be agreement between the Chief Justice, the President of the Court of Appeal and the judge who is to be the subject of the move. Without going into all the gory details, I can assure the house that there is no prospect of agreement being reached across those three individuals. So as I said at the outset, there is no prospect of this legislation ever being implemented.

Proposed section 80C(1) talks about the moving of an appeals judge across to the trials division for the purpose of conducting general trials. Interestingly, it says that the President of the Court of Appeal must nominate a judge of appeal to act as a judge of the trial division. As a matter of commonsense, you would not have a provision saying that the president may nominate a judge of appeal to act as judge of the trial division because — —

The ACTING SPEAKER (Mr Loney) — Order! There has been a lot of traffic between the Chair and the speaker in the past few minutes.

Mr RYAN — I am sure by accident, not by design, Mr Acting Speaker. I am equally sure that great care will be taken in future to ensure that it does not happen; otherwise, they might find themselves in court!

If those conditions set out in proposed section 80C(1) are met, a judge can be allocated from the appeal court to the trial court to undertake what could be a trial or a series of trials, with no specific task allocated.

That provision can be contrasted with proposed subsection (2), which provides for a specific proceeding. In that instance where the Chief Justice, with the concurrence of the President of the Court of Appeal, determines that it is expedient, a specified judge of appeal may act as an additional judge of the trial division in a specified proceeding before the trial division. Furthermore, if the specified judge agrees, his or her services will be used in the trial division for that specific proceeding. Presumably that would relate to an area in which an appeal court judge might be regarded as having a specific talent or insight, having regard to his or her time at the bar or within the appeal jurisdiction, to deal with a matter that requires that specific expertise — such as, for example, a very difficult criminal trial or something of that vein, a commercial trial, or whatever. The proposed subsection provides the capacity for a judge to be allocated from the Court of Appeal for a specified proceeding. It is all complete fiction; it will never happen. But discussing it in a clinical sense would be the import of that provision.

Proposed subsection (3) is obvious on its face, but nevertheless important, in that a judge is allowed to complete his or her time in the trial division, even though the six months has expired, if a proceeding in question happens to go beyond that period of six months.

Another important provision is contained in clause 5, which provides for the insertion of proposed section 13A in the Supreme Court Act. That provision is sensible and necessary. It stipulates that a judge of appeal acting as an additional judge of the trial division cannot sit on the hearing of a new trial ordered by the court if the judge was one of the judges that constituted the Court of Appeal that ordered the new trial. Obviously that is sensible. It would be a nonsense if one of the three judges of the Court of Appeal that determined that a new trial should be undertaken was transferred temporarily to the trial division to proceed to hear the very same case that he or she had been involved in considering in the Court of Appeal. It is one of those provisions which is obvious on its face, but necessary nevertheless.

That in essence is the bill. It is a short bill with a narrow compass. It will never happen. It is complete fiction in a practical sense, but it is interesting to have a discussion about.

I have consulted widely, talked to many, and have written to numerous members of the bar about the bill. The general point of view from some of the replies was, ‘It cannot do much harm’. It also extended to, ‘No, do not do this, it will destroy a very good idea’. I have with me a number of responses from some of the great barristers who are currently at the Victorian bar — Terry Casey, QC, David Kendall, QC, Peter Galbally, QC, and various others.

Among them is some correspondence from Paul O’Dwyer, who is a barrister of outstanding ability and with whom I had the pleasure of doing a lot of work over the years, as I did with the other three I mentioned. In his letter Mr O’Dwyer has set out a number of issues which are very pertinent to this debate. He refers to the fact that the Court of Appeal replaced a system of rotating Supreme Court judges. Historically that system had caused numerous problems. They occurred because judges, simply because of the fact that they were rotating through lists, commonly returned to trial work, which delayed the delivery of judgments. Having a pool of judges who were fulfilling the tasks of being both trial judges and appeal court judges and plucking people out to fulfil the appeal function threw the operation of the general trial lists into disarray. The creation of the Court of Appeal overcame that problem. Mr O’Dwyer states:

> One of the rationales for setting up the Court of Appeal was to avoid the appearance of appellate judges tempering their judgments on the basis that they too may be subject of an appeal and judgment by their colleagues.

The creation of the Court of Appeal overcame that issue. He makes the further point that:

> The fostering of the specialisation involved in a permanent Court of Appeal makes for a better judicial system and enhances the quality of the appeal court, particularly in circumstances where it is responsible for delivering most of the law of the state …

That is a very valid point. He says further that:

> One of the main objectives of the Court of Appeal was the development of a principled approach to appeals.

He uses that expression in the sense that a Court of Appeal which is able to concentrate on that task specifically is better able to develop its practices in a sense of a commonality of the adoption of principles. To go about the process of undoing that, even to the extent contemplated by this bill, would be to impinge upon that very good idea. He states further that:

> There are serious mechanical and practical problems in rotating judges from the Court of Appeal to the trial division …

At present all the judges of the courts are fully committed with their time. The practical fact is, as Mr O'Dwyer observes:

> The Court of Appeal's workload is large and it is unlikely that there will be judges free to sit in the trial division —

in any event. I concur with that point. One the most telling of his points, when you get down to the pragmatics of all this, is this statement:

> There is an urgent need for addition trial judges in the Supreme Court …

He goes on to make some other comments, the bottom line of which is that you cannot solve this problem by creating another one. That is exactly what will happen if this bill were given effect.

For the reasons mentioned by Mr O'Dwyer, who echoes my sentiments on the matter, the idea is simply not a good one — even if this not-good idea was ever going to work in a practical way, and it will not, for the reasons I have mentioned.

I have also received a letter from the president of the Law Institute of Victoria, Ms Tina Millar. After the usual acknowledgments, she states:

> The institute supports judges of the Court of Appeal acting as additional trial judges of the Supreme Court for a period of up to six months or for the purposes of a particular proceeding. This is supported on the basis that the agreement of the Chief Justice of the Supreme Court, the President of the Court of Appeal and the relevant judge of the Court of Appeal is a prerequisite. Also, it is essential that where a judge of the Court of Appeal acts as a trial judge, he/she must not subsequently sit in relation to an appeal in the matter in question. There are safeguards within the bill to ensure that this does not occur.
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> The institute also wishes to note that the smooth operation of the Court of Appeal should not be interrupted. There is a continuing need for trial judges to be appointed to the Supreme Court and the institute believes that this is likely to continue.

Ms Millar has kindly responded to my correspondence with her seeking consultation with the institute. I have not actually spoken to her about this, but this is a very carefully crafted piece of correspondence. By that I mean from my point of view there is more to be taken from this correspondence, having regard to what is not in it as opposed to what is. I think the reality is that the institute has significant misgivings about all of this and that, as is reflected in the final paragraph, it really agrees with the general commentary from the profession that the best way to solve this is to make more appointments to the trial division. That is the proper way to deal with the issue.

I conclude with those comments. In so doing, I pay due regard to those who fulfil judicial tasks. It is an extraordinarily difficult job to sit in judgment of one's fellow man, and I use that term in the sense it is used these days, even though the fellow women — or fellow ladies, I should say — around me are shaking their heads! I will say whatever I have to say to convey the fact that the task of the judiciary is a difficult one.

Be it in the Supreme Court, the County Court or the Magistrates Court, we are fortunate to be well served by a judiciary that does its job magnificently.

Although I am about to sit down I realise I have not said much about the amendments to the Magistrates Court Act. That probably reflects the fact that they are not much in the way of amendments, anyway.

Mr WYNNE (Richmond) — I thank the honourable member for Berwick and the Leader of the National Party for their contributions to the debate on the Constitution (Supreme Court) Bill, which is an important piece of legislation.

In the absence of the Attorney-General — he is enjoying a speedy recovery, which I am sure all members of the house will be pleased to hear — it is appropriate that I reflect on the contribution made by the honourable member for Berwick in his capacity as shadow Attorney-General. He seemed to imply that there had been a breakdown in the relationship between the Attorney-General and the judiciary. Nothing could be further from the truth. The Attorney-General and the judiciary enjoy a strong professional relationship that is based on an understanding of the separation of powers, which this government absolutely respects.

However, it is important to reflect on the intemperate comments about the judiciary the shadow Attorney-General has made over the past few weeks, which frankly have earned him no respect from its members. As the Leader of the National Party said, it is appropriate that we respect the role of the judiciary, which as he pointed out is a difficult one to perform. I would have been better if, on reflection, the shadow Attorney-General had decided not to make some of the comments he made.

The bill is a response to the difficulty of resourcing the trial division of the Supreme Court. Following the resignation of Justice Hampel in September 2000 a number of criminal trials had to be adjourned and relisted, highlighting the need for more flexible resourcing.

As has been said, clause 3 amends the Constitution Act to allow judges of appeal to act as judges on the trial division for a period not exceeding six months or for the purposes of a specified proceeding. Although this does not address the resourcing problems of the trial division of the Supreme Court, it will provide a pool of additional judges for critical periods, limiting any delays which may otherwise have occurred.

Other additional mechanisms are available to the court.

Honourable members interjecting.

Mr WYNNE — My colleagues on the other side are providing me with some excellent assistance, but I intend to press on.

The court will have additional mechanisms available to it, such as the ability to appoint and deploy reserve judges and acting judges and to temporarily assign trial judges to the Court of Appeal.

The bill creates an appropriate balance by providing the Supreme Court with sufficient flexibility to allocate judicial resources between divisions while adhering to the doctrine of the separation of powers and judicial independence, which I know is fundamental to my colleagues on the other side. The Chief Justice and the President of the Court of Appeal will need to agree that a judge of appeal should act as an additional trial judge, which is obviously entirely reasonable.

The legislation provides an opportunity for current and future appellate judges to develop experience in conducting civil and/or criminal trials as part of their ongoing professional development and judicial education, which I am sure is supported by both sides of the house. There will be no requirement for judges of appeal to sit in the trial division unless they are interested in gaining that important trial experience. This response will not result in a narrowing of the pool of potential appointments to the Court of Appeal, as there will be no requirement for them to sit in this division.

The bill will not alter the constitutional status of the Court of Appeal. Appeal judges will remain senior to the judges of the trial division and will continue to receive the same remuneration. The Court of Appeal will continue to sit as a separate division of the Supreme Court while some judges of appeal temporarily assist the work of the trial division.

The honourable member for Berwick argued that the government's proposal could cause logistical nightmares, and I will touch on his comments later. In essence, the honourable member said that the bill would create difficulties for litigants in the trial division and the Court of Appeal because it would be necessary to ensure that judges of appeal did not sit on appeals against their judgments in the trial division.

The government's response is as follows. The Supreme Court Act specifically prohibits a judge of appeal from sitting on the hearing of an appeal from a judgment of the trial division constituted by that judge or on the hearing of an application for a new trial or proceeding before that judge. Judges of the trial division are frequently rotated to the Court of Appeal pursuant to section 80B of the Constitution Act — and in our view, without any major logistical difficulty. In 2000 at least four trial judges sat for limited periods in the Court of Appeal. I point out to the honourable member for Berwick that that has occurred on a number of occasions.

In addition, the bill will insert a new provision in the Supreme Court Act to ensure that a judge of appeal sitting temporarily in the trial division does not sit on the hearing of a new trial if the judge constituted the Court of Appeal that ordered the new trial. Things appear to have worked eminently satisfactorily, so that should allay his concerns about logistical problems.

In conclusion, the bill will increase the flexibility of the Supreme Court because it provides for judges of appeal to sit in the trial division where the Chief Justice and the president concur and the judge of appeal is willing to do so. It is also significant for the ongoing judicial education and the professional development of judges, which I am sure both sides of the house agree is important.

The bill is an significant response by the government to the delays in the trial process. We seek to speed that up

to ensure, firstly, that the judiciary continues to be supported, and secondly, that a practical response is put in place that we believe will improve the efficiency of the administration of justice in this state.

I wish the bill a speedy passage. I also indicate that the government will not be supporting the amendments foreshadowed by the shadow Attorney-General.

Mr COOPER (Mornington) — I join the debate on the Constitution (Supreme Court) Bill. I agree with the comment of the honourable member for Richmond that the role of the judiciary is often a difficult one. That point was made by both the honourable member for Berwick and the Leader of the National Party. I believe all honourable members would compliment our judiciary on the difficult role that it carries out. I am sure that compliment would not be restricted to the opposition side of the house.

It is for that reason that I am puzzled as to why the government seems hell-bent on making what was described by the honourable member for Richmond as a difficult role even more difficult by not having enough judges. The reality is that we do not have enough judges in the Supreme Court of Victoria. There are 19 judges in the trial division and 9 judges in the Court of Appeal. It is quite clear to anyone who wants to examine the situation, through recent resignations, that the trial division is two judges under strength. That is why we have lengthening lists for trials and that is why, as the honourable member for Berwick correctly said in his address, that justice delayed is justice denied. It is something that the government needs to take into account. It cannot sit back and say, 'We will rob Peter to pay Paul'. That is really what the government is intent on doing with the proposed legislation. It proposes that with the consent of both the Chief Justice of the Supreme Court and the President of the Court of Appeal it will take justices as needed from the Court of Appeal and use them in the trial division, assuming that somehow or another there is some level of spare capacity in the Court of Appeal.

I suggest to both the honourable member for Richmond and the Attorney-General that they should speak with the President of the Court of Appeal to discover whether there is any spare capacity. They may find to their horror that the president will tell them that there is no spare capacity, that his judges are flat out on appeals. This close, warm relationship that the honourable member for Richmond says the Attorney-General has with the judiciary clearly is not close enough for the Attorney-General to understand that simple point. There is no spare capacity in the Court of Appeal, according to its president.

Is the government trying to say to the house and to the people of Victoria that the President of the Court of Appeal is not telling the truth, that he is somehow or another gilding the lily, that his judges are slacking off, and that a couple of them will be able to be taken out of the Court of Appeal system whenever there is a need, to be dropped into the trial division? The reality is, as the Leader of the National Party and the honourable member for Berwick have said, that that will not occur, because fortunately we have in the Chief Justice and the President of the Court of Appeal two very experienced judges who know the kind of damage that that would do to the Court of Appeal and that it would not enhance in any way the long-term problems of the shortage of judges that we have in the Supreme Court of Victoria. That assumption is a furphy and is one that needs to be put to rest here and now.

I refer to the notion of justice delayed being justice denied. It is not just those charged with offences who have justice denied to them by a lengthening court list. There is also the other side of the scales — the victims of crime, the people who also need to have the offences that have been committed against them or against a member of their family dealt with. As honourable members are aware, usually grave offences are tried in the Supreme Court. Victims of crime need to have things put to rest. They do not need to have them hanging around, burdening their lives and revisiting them day after day, week after week, year after year, while waiting for a judge to become available to hear the case against the alleged offender. Equally, it is important for the person who is charged to have his or her day in court as quickly as possible and not be hanging around for years waiting for a decision. They should be able to resume their lives if they are found not guilty, or be subjected to the provisions of the justice system if they are found guilty.

Only a week ago, in company with the shadow Attorney-General, the honourable member for Dromana, the honourable member for Evelyn and the honourable member for Knox, I stood on the steps of this building at a rally for victims of crime and heard a number of speakers talking about the horrific effects that crime has had upon them and their families. Here was an example of people again revisiting the justice delayed, justice denied situation. Some of them are still waiting for the perpetrators of those crimes to be brought to trial. Others are aware that people have been charged but the trials have not yet commenced.

After the rally I had private conversations with a number of people, some of whom I had met before and one I have known for many years, about the state of play with their personal situations. One lady that I met

gave me a description of offences against her of the most horrific nature — offences that would, if I gave this house the detail that she gave me, disgust and dismay honourable members, that members of the community would commit such offences against individuals, particularly women. This woman was subjected to the most horrific assault upon her body. Virtually every part of her body was assaulted. It was not just a sexual attack involving her vagina, Mr Acting Speaker; every part of her body was assaulted. This lady is still carrying the scars and waiting for the person who has been charged to be brought to trial.

Those are the sorts of events that cannot be glossed over. They cannot be simply dealt with by a government that says, 'We are going to take a couple of judges from the Court of Appeal and put them on a temporary basis, as the bill says, in the trial division'.

The Attorney-General who introduced the bill into the house should understand that he has to appoint more judges. If he is to bring the Supreme Court up to the strength it was only a short time ago he should appoint at least two new judges, and given the lengthening waiting list he probably needs to appoint more. As the honourable member for Berwick and the Leader of the National Party have said, we are lucky to have the judges that we have. So why are we doing this to them and putting them under such enormous pressure? Why are we not giving our Supreme Court judiciary a fair go by providing the numbers to be able to deal with the list of offences that they are now confronting?

I am dismayed by this bill. I am aware that I am not the only person who is dismayed by it, and not just on this side of the house. I know that the President of the Court of Appeal is dismayed, the Chief Justice is dismayed and the bar counsel is dismayed. Is the government trying to say that this measure is supportable? No, it is not. It should get its act together and address the real issues. It should appoint some new judges rather than trying to get away with a short-term reaction to a big problem.

An honourable member interjected.

Ms GILLETT (Werribee) — The power of woman demonstrated yet again! I thank my parliamentary colleague for her assistance.

It is my pleasure to speak briefly on the Constitution (Supreme Court) Bill. For my part I have been listening to some of the concerns expressed, I suggest somewhat hypocritically, by members of the opposition specifically alleging that they are concerned that the Supreme Court simply does not have the number of trial judges that it needs to do its work. I find that bizarre given the opposition's history in government and the fact that immediately on its return to government the Labor Party reappointed one of the legal people the previous government had removed.

The bill does not seek to solve all of the Supreme Court's resourcing needs. It does not attempt to do that or portray itself as being able to do that. The mechanism provided by this bill merely gives the Supreme Court an additional option which it may choose to exercise where it feels appropriate. Other mechanisms currently at the Supreme Court's disposal include the appointment and deployment of reserve and acting judges and the ability to temporarily assign trial judges to the Court of Appeal.

The bill provides for an important additional mechanism, in that it allows the Supreme Court to find what efficiencies it can and to come into the new age of employment in Australia. Many other workplaces began to develop methods whereby efficiencies could be created inside working environments more than 10 or 15 years ago. The judiciary has a special role in the community, but that role does not mean that it should not keep pace with developments in employment conditions and relationships. Where we have people with specialised skills we should always look to continually helping them to improve and enhance those skills. This bill goes some way towards doing precisely that. Parliament cannot ask all members of the community bar the judiciary to go through a process of change, of enhancement of productivity and of improvements in efficiency.

Clearly there is no capacity to compel a member of the Court of Appeal to sit as a trial judge. It must be done with the agreement of all concerned. That is an important part of the bill. Having said that, I close my brief remarks on the bill.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

PROSTITUTION CONTROL (PROSCRIBED BROTHELS) BILL

Second reading

Debate resumed from 1 March; motion of Mr HAERMEYER (Minister for Police and Emergency Services).

Dr DEAN (Berwick) — The Liberal Party opposition will be supporting this bill, which amends an

act dealing with the legalisation of brothels that was originally introduced by the previous government. That act was a way of controlling prostitution and going down the line of trying to ensure that whatever health requirements could be implemented were implemented and trying to protect prostitutes from some of the horrific health and other injuries that occur in that high-risk occupation.

Yesterday I met with the Prostitutes Collective of Victoria and had a discussion about a number of topics. Honourable members would all be aware that at the moment some discussion is taking place about how best to deal with street prostitution, particularly as it is occurring in St Kilda and also as a general topic. I do not intend to forecast the views of the Liberal Party on that matter.

Ms Campbell — Why not? Feel free.

Dr DEAN — A committee is already engaged in that process. However, there are some general principles that can be stated without any difficulty, and I hope they would be shared by all parties. We recognise, particularly in relation to street prostitution but all prostitution in general, that a large proportion of the girls — —

An Honourable Member — And boys.

Dr DEAN — And boys, have had a difficult start to life. In many cases, as was mentioned by a social worker at the joint sitting of Parliament on drugs, they lack family ties from a very early age. They lack that long-term relationship stability that is so important when one starts out in life.

We need to recognise that drugs are deeply involved in the prostitution scene. To a large extent they dictate the way these girls live their lives and how destructive those lives are. Not only are they caught up in the drug web, which is incredibly destructive, but they are also out on the streets in a high health-risk situation.

These members of our community are very much in the high-risk, need help category, and I believe the previous government's move in introducing the Prostitution Control Act was worth while. It provided an opportunity for girls and young men caught up in this web to be in organised brothels where health issues could be regulated and controlled. So far as organised crime was concerned, there was some opportunity for the government to know what criminal figures were involved and to try to get them out of the industry.

I believe this is probably among the most important of all the matters that come before us as a Parliament to debate and work on. One of the most important roles of a member of Parliament is to not only have a view on these matters but also to try to make the world a better place for the people involved. We sometimes get hooked into the high economics of our community, as we must because that is where the wealth is created, but we must also pay close attention to the redistribution of that wealth and to those who, for whatever reason, theirs or others, miss out entirely on the wealth that is created. The mark of a civilised society is not how it copes with its best, most active and accomplished members but how it treats its least accomplished and most at-risk and hard-pressed members. That is the key to what a community is really like.

Because this is a serious topic it is important not to be seen to be taking some mirth from a particular amendment. I am sure that neither the Prostitutes Collective of Victoria nor my fellow members of Parliament will feel that I have crossed the mark by saying that the bill fixes an extraordinary situation.

Effectively, a particular magistrate gave a decision that when an application is made for premises to be declared a brothel, the evidence required to prove that the premises are being used as a brothel has to be concurrent with the application. The evidence must be as if the actual activity is being carried on at the time the application is made. This provides some evidentiary hurdles to a prosecutor save for having a police constable on a ladder looking in a window with a video directed to the magistrates court to prove that the activity is actually being carried out as the application is being made. It is difficult to understand how this could come about.

I cannot understand how a magistrate could have come to such a view. With the guidance of the government, Parliament is acting quickly to ensure that evidence gathered up to 14 days prior to the application being made can be used to demonstrate to the court that the premises is being used as a brothel and should be declared as such. That opens up the avenues for prosecution and regulation of those premises under the Prostitution Control Act. I am pleased that any constables who have been up ladders can now climb down and put away their video equipment and that justice will continue with appropriate evidence to determine whether or not premises are being used as a brothel.

The Prostitution Control Act was one of the previous government's hallmarks and, so far as possible in relation to this bill, the Liberal opposition will act in a bipartisan fashion on amendments to make the act work better. When it comes to new issues such as street

prostitution and other such matters, the Liberal opposition will make up its own mind, which may or may not coincide with the government. At least all members of Parliament share the same basic goal. In most cases if not all, people are not caught up in the prostitution trade as a consequence of their original aim in life or of their own doing. Such people are at huge risk and need to be looked after by the rest of the community as best as it can.

Mr DELAHUNTY (Wimmera) — I usually stand and say that I am happy to speak on a particular bill, but with my wife in the gallery I had better be sure to say that I have some reservations in speaking about this delicate topic!

As outlined by the honourable member for Berwick the bill contains a minor amendment to the Prostitution Control Act with respect to the procedure for declaring premises to be a proscribed brothel. The amendment provides that an authorised officer making such an application must believe on reasonable grounds that premises are being used for the operation of a brothel at the time of filing the application or at any time during the 14-day period up to that date.

The National Party held consultations with the Municipal Association of Victoria and the police, neither of whom had a problem with the bill. I thank Damian McDonald, an adviser to the Minister for Consumer Affairs, for his assistance and for meeting with the party at short notice to enable it to get a further understanding of this delicate bill.

The National Party does not oppose the bill, but while researching the issue I went into its background. The purpose of the Prostitution Control Act 1994 is to control prostitution in Victoria, and all honourable members would agree with that. When I looked through the bill's definitions I noted that 'prostitution' means:

> the provision by one person to or for another person … of sexual services in return for payment or reward.

A prostitution services provider is defined as:

> a person carrying on a business of a kind referred to in the definitions … of 'brothel' and 'escort agency'.

When I looked through the act, it was frightening to find the definition of a child is:

> … a person under the age of 18 years.

Looking at articles in the media about the activities that are going on it is frightening to think that people a lot younger than 18 years are involved in such activities.

In the second-reading speech of the Prostitution Control Bill in 1994 the former Attorney-General, Mrs Wade, said that the bill replaced the Prostitution Regulation Act 1986, which had never been fully proclaimed by the previous Labor government.

So long as there is a demand for sexual services, most Victorians recognise that prostitution will continue whatever the law provides. Most people agree that there should be a strict system of regulation to raise the barrier against organised crime. Most Victorians support the objectives of the act, which include seeking to protect children from sexual exploitation or coercion; seeking to ensure that criminals are not involved in the prostitution industry; and seeking to ensure that brothels are not located in residential areas or in areas frequented by children. It includes many more. The one I would like to highlight is:

> … to promote the welfare and occupational health and safety of prostitutes.

This minor amendment will work towards the objectives of the Prostitution Control Act. The principal act covers many things — I will not go into them in detail, but they include licensing, planning controls, community initiatives, health-related provisions and, importantly, an advisory committee. I thank the parliamentary library staff for tracking down the members of the advisory committee to the minister. Given all the debate and controversy, I was not sure whether the minister had a Prostitution Control Act advisory committee in place, but he has. It has been appointed, and I hope it is doing work as directed by the minister.

I have read the debate on the original bill when it was introduced in 1994. I was amazed when I read that Mr Cole, the former member for Melbourne and the lead speaker for the Labor Party in the debate, opposed the bill. Even the current Minister for Health, who is the local member for the St Kilda area, was opposed to the bill. As we all know, St Kilda is experiencing problems with prostitutes in the streets.

I also read some newspaper articles relating to the matter. I note with interest that an article in the *Herald Sun* of 22 February says:

> Port Phillip council will support St Kilda residents in Sunday's protest against street sex work. A former mayor, Cr Dick Gross, said the council understood residents' concerns. Residents want the state government to start a red-light district in a non-residential area.

An article that caught my attention — —

Mr Kotsiras interjected.

Mr DELAHUNTY — Nick wants to speak on this — I will give him some time.

An article in the *Herald Sun* of 3 December 2000 frightened me. It states:

> Child prostitutes as young as 14 are walking the streets of St Kilda to sell their bodies for as little as $25.
>
> A *Herald Sun* investigation found teenage heroin addicts are picked up by middle-aged and older men for sex in cars, parks, back streets and on the waterfront.
>
> …
>
> Youth workers estimate that 3 in 10 St Kilda street prostitutes are under age.

Honourable members interjecting.

Mr DELAHUNTY — It's all right. There are many members who seem to have had a fair bit of experience with this and want to have a say about it. I will give them time.

As the member for Wimmera and the lead speaker for the National Party, I will refer to a particular article in the local newspaper. In 1995 the Horsham Rural City Council, which was then under the control of commissioners, received notification from the Prostitution Control Board that an application from the proprietor of the Tickled Pink Escort Service for a prostitution service provider's licence had been received, and under the act the council was given 21 days to form — —

An honourable member interjected.

Mr DELAHUNTY — They were tickled pink! It caused a controversy in the Rural City of Horsham. The chief commissioner of the council, Peter Fisher, said in a letter to the local newspaper:

> Some letters written to your paper on the escort agency issue have misrepresented the position of the Horsham ministers who work with us on this matter.
>
> …
>
> Council consulted with representatives of the Christian Ministers Association and Horsham police. These discussions assisted us in our decision-making process.
>
> …
>
> The enforced licensing of this activity under state law —

the 1994 act —

> gives our law enforcement agencies the ability to curb criminal activity and monitor drug and health issues.

So, it is a problem that affects not only the centre of Melbourne but the whole of Victoria.

There is wide support for this bill, which is more precise than the principal act. As we all know, it is a licensing bill, so it comes within the responsibilities of the Minister for Consumer Affairs. If we have to have brothels, they need to be lawful, pay taxes, meet occupational health and safety requirements, control diseases and, importantly, be policed to protect everyone. I am pleased to say on behalf of the National Party that it does not oppose the bill.

Mr WYNNE (Richmond) — I support the Prostitution Control (Proscribed Brothels) Bill. Together with the honourable members for Berwick and Wimmera the government is attempting, in a different capacity, to address some of the issues concerning street prostitution that have been recorded in newspapers recently, as the honourable member for Wimmera pointed out. This major issue affecting the St Kilda area concerns public nuisance and amenity.

I am delighted the Attorney-General gave me a brief to work in a bipartisan way with the Liberal and National parties and the community and welfare organisations in the St Kilda area to find both short and long-term solutions to the problem of street prostitution. The Attorney-General and I went on a tour with a senior sergeant from the St Kilda police station to try to get an overview of the street prostitution problem and a deeper understanding of the issues that confront street sex workers.

As the honourable member for Berwick said, the issues are multifaceted. There have been many instances of mistreatment of street workers when they were young, and many of them have had extremely disrupted home lives. We know the vast preponderance of street workers are addicted to heroin and do what they do to finance their habit.

It is a destructive lifestyle and one that is extremely dangerous. I am heartened that the Honourables Bill Baxter and Andrea Coote from the other place have been appointed to the committee. Together with the welfare organisations, an interesting group of people have been brought together. We have had a couple of meetings, and we will seriously examine both short and long-term solutions to the difficulties of street prostitution in St Kilda that may well be a model for street prostitution in other parts of Melbourne.

The purpose of the bill is to provide the police and local government authorities with a mechanism to control licensed brothels. Section 80 of the Prostitution Control Act describes the process for declaring premises to be a proscribed brothel — that is, prohibited. Once that is

established it will be an offence to enter or leave the premises.

Section 80 was designed to be a law-enforcement tool to control unlicensed brothels. However, a recent interpretation of the act in a decision in the Magistrates Court held that the words 'is being carried on' meant that the premises had to be used as a brothel at the time of the declaration, which is a difficult decision for the authorities to deal with. In practice, the decision has made collecting evidence for the purpose of declaring a proscribed brothel extremely difficult.

To demonstrate that the business was being carried out on the very day of the application, witness statements are required from persons leaving the premises. These are difficult to obtain because much of the business of prostitution occurs late in the day and possibly after the hours in which an application can be made.

The operators of businesses under investigation can always close down and move on to other premises and re-establish themselves if they become suspicious of police attention. During the tour of St Kilda that the Attorney-General and I undertook the police pointed out several venues operating as illegal brothels.

The proposed amendment allows a declaration to be sought on the basis of evidence that the business of a brothel has been carried on at the premises in question at any time during the 14 days leading up to the date of the filing of the application. This addition to the legislation will make it easier to enforce and will provide the police and local government authorities with the mechanisms they require to control unlicensed brothels.

The presence of unlicensed brothels in my electorate has caused residents some concern, with one brothel in particular being located next door to a large migrant family that includes several primary school children. The amenity and safety of people in the local community can be seriously disrupted when fly-by-night brothels are established in residential areas.

Residents must be supported in their efforts to maintain an environment that is safe and family friendly, and the government must ensure that appropriate and enforceable legislation is available to control illegal activities. That lies at the heart of the concerns of St Kilda residents. Both the police and local government authorities have a difficult task, and I am pleased to support a bill that will smooth the way for them. I wish the bill a speedy passage.

Ms McCALL (Frankston) — Along with the honourable member for Richmond and earlier speakers I am pleased to support the amendment to the Prostitution Control Act. I was in this chamber in 1997 and 1999 when amendments concerning the recognition of improved efficiency and the control of the Prostitution Control Board itself were debated. I place on record my thanks to the former Attorney-General, Jan Wade, for introducing the principal legislation in 1994. It sought to recognise what was a community issue, at the same time acknowledging that prostitution is the oldest profession in the world.

The legalisation of prostitution enabled certain controls to be taken and members of the community to be more comforted that where prostitution was conducted — that is, in proscribed and registered brothels — elements of occupational health and safety controls were in place, at the same time giving powers to the police.

It is understandable that there are teething problems when legislation is passed. Over time problems and issues can arise that were not contemplated in the original bill. Interpretations by lawyers and magistrates will bring about appropriate amendments. I remember the amendment to the Prostitution Control Act in 1999 when, owing to confusion in the community, the classification of sexual services was redefined. I will not go through that in detail now.

The Prostitution Control (Proscribed Brothels) Bill contains the procedure for declaring a premises to be a brothel. Clearly, as the honourable member for Richmond said, when a magistrate holds that the words 'is being carried on' are defined as 'must be carrying on now', a burden is placed on the police either to issue a warrant or lay charges. Most honourable members would believe that the police have a difficult enough job policing such environments without being expected to catch people in flagrante delicto before being able to declare a premises to be a brothel.

I can boast that there are several brothels in my electorate of Frankston that I have visited to convince myself that they are conducted in as legal and proscribed a manner as possible. At the same time, I have concerns about issues relating to tabletop dancing. My views on that are well known to this chamber and can be read in *Hansard*. Until this amendment was introduced I was concerned that some tabletop dancing venues may well have been acting as de facto brothels.

The major concern for the people of Frankston was whether under the current act as interpreted by the magistrate somebody had to be caught in the act before it could be claimed that the tabletop dancing venue was a brothel. If so, there were problems because people

would be less likely to call the police and get the magistrate to issue warrants, or whatever was required.

I am comfortable with this piece of legislation. I have spoken with one of our community police at the Frankston police station, Neil Thomas, who does a wonderful job with the liquor accord and other areas of local community policing. He believes the legislation may well make easier police dealings with a couple of the more dubious venues around Frankston. While I might have a personal preference for having such places closed, I am aware that they have as much right to be there as any other business. If, however, there is any suggestion that prostitution is taking over a venue, the police have the right to enter and issue a warrant.

I am mindful of the time; a number of my colleagues would like to make a contribution to the debate, but I will make one observation about prostitution. I had a quick look through the Melbourne *Yellow Pages* before I came into the chamber. Eighteen pages are devoted to what are affectionately known as escort agencies. You do not have to be a rocket scientist to understand that you do not go to an escort agency to borrow a handbag for the evening! I liked some of the headings in the advertisements on those pages, so before I hand the floor over to another honourable member I would like to share with the house some of those captions:

> Satisfaction guaranteed or your money back.
>
> Your pleasure is our reward.
>
> Don't be nervous — call now.
>
> Twin service available.

Given that we have a couple of sets of twins in the Parliament I thought that last one sounded rather intriguing!

I am delighted to support the bill, which amends the Prostitution Control Act 1994, and I commend it to the house.

Ms ALLAN (Bendigo East) — I welcome the opportunity to join the debate on the Prostitution Control (Proscribed Brothels) Bill. It is an important bill, not just for areas in and around Melbourne but for country Victoria. Its main purpose, as we have heard already in great detail this evening, is to amend the Prostitution Control Act in respect of the procedure for declaring premises to be a proscribed brothel. To paraphrase the fine set of words used by the honourable member for Berwick in his contribution to the debate, this bill will remove some of the evidentiary hurdles for the prosecutor in prosecuting cases involving brothels. The bill adds certainty for communities that have established brothels or that could have brothels established within them in the future.

This is a significant issue in country Victoria. There are not great numbers of sex industry workers, be they escort agents, tabletop dancers, as referred to by the honourable member for Frankston, or prostitutes. The honourable member for Ballarat West informs me that there is a brothel in Ballarat. There is not a legal brothel in Bendigo that I am aware of.

The bill puts in place some regulations for public and community information about how a brothel is to be established. As outlined already by the honourable member for Berwick, it provides clear guidelines for the police prosecutors in dealing with this area of the law. The honourable member for Richmond, through his close experience with the working group established to look at the issue, explained that for the workers themselves the legislation provides a framework.

Also important to bear in mind is the community within which a premises operate. That is an important aspect of the bill and involves local government in a planning role. It is important to involve local government in planning decisions affecting such premises, whether used for brothels or for other activities within the sex industry. Because of the way a licence was issued in Bendigo a number of years ago, local government was bypassed and an important community voice was missing in the debate about whether the establishment should be set up at all. That was a negative in terms of the voice of the community being heard.

I am pleased to participate in this debate, and commend the bill to the house.

Mrs FYFFE (Evelyn) — I support the Prostitution Control (Proscribed Brothels) Bill. It clarifies and adds strength to the role of the police when taking the operator of any illegal, unlicensed brothel to court.

In his second-reading speech the minister referred to difficulties experienced by the police in obtaining a declaration because of problems with the collection of evidence on the day of the application. Any steps this house can take to prevent the proliferation of unlicensed brothels must be supported. The operation of unlicensed brothels does not just mean that the owners of the premises are avoiding the payment of taxes; many are active in drug dealing and many have illegal immigrants as workers, often people being sexually exploited, lured there under false pretences and now in a nightmare of drug abuse, physical abuse and heavy financial debt. Often they have to perform 500 or more

sexual acts before they start earning any money for themselves.

Illegal brothels also often use under-age males and females. They prey on the weak and the defenceless. The prostitution industry in Victoria has had the benefit of the hard, realistic work carried out by the former Attorney-General, Jan Wade. She took on the difficult issues and produced good, clear legislation that has improved the safety and working conditions of sex operators in Victoria. Her legislation was clear and well drafted — in direct comparison to that of the current Attorney-General.

I believe this is only the second bill which he has introduced into this house that has not needed numerous amendments or been sent off into the Land of Rob Hulls' Bills that never come back into Parliament. I urge the Attorney-General to tackle the issue of street prostitution. I commend the bill to the house.

Mr LIM (Clayton) — I am glad to contribute to the debate on the Prostitution Control (Proscribed Brothels) Bill and will try to avoid getting into the nitty-gritty aspects of the legislation. After the eloquent contribution of the honourable member for Bendigo East, it is appropriate that I provide the house with a different angle on this subject.

It is pleasing that the opposition does not oppose the bill. Its support is a refreshing change. Too often we take things for granted. From time to time it is appropriate to be reminded that in the 1980s the Australian Labor Party, during the progressive Cain–Kirner years, put in place a whole range of legislation to fix up this, if I may say, seedy industry and provide some integrity in an effort to clean up the whole process.

The bill takes that process a step further by providing an easier mechanism for law enforcement agencies, particularly local councils, to be able to call a spade a spade. I offer my congratulations to the Attorney-General for having the vision to introduce the legislation into the house.

It is possible to forget about what happens outside this place. I recall an incident that occurred in my electorate involving a South-East Asian woman who had been lured to this country from Thailand on the promise of gaining employment as a secretary. On her arrival her life took a turn for the worse when she was locked up against her will, had her passport taken away and was forced into a life of prostitution. The bill aims to deal a blow to operators of those sorts of illegal arrangements. The government is taking a strident step to improve the operation of the industry. I am confident that this bill will assist in pushing the industry into shape.

An ABC program on Monday night referred to the inadequacy of effective legislation to deal with a situation in Queensland, which when compared to what is being done here suggests that the Victorian government is way ahead in its attempts to rectify the problem. I commend the bill to the house and wish it a speedy passage.

Mr McINTOSH (Kew) — I am pleased to follow the erudite and articulate contribution by the honourable member for Clayton on the Prostitution Control (Proscribed Brothels) Bill.

The bill arises out of the interpretation of section 80 by a magistrate. I do not know the name of the magistrate or the particular case, but I understand the interpretation turned on the words 'is being carried on' in the premises when an application was made for a declaration under section 80 of the principal act.

The prosecution faced difficulty when the police were unable to demonstrate that the business of a brothel was being conducted at the premises at that particular time or on that particular day. An interpretation like that would seem to suggest that the police would have to use modern technology, something in the nature of live video crossing, to determine whether a practice of a brothel was being conducted on that day.

The bill is remedial legislation. It amends section 80 to facilitate the easy process of prosecuting someone who is conducting an illegal brothel or persons who are on those premises.

In my short contribution I acknowledge my predecessor in Kew, who was the Attorney-General at the time when the principal act was brought into the house. Jan Wade was a fine lawyer and Attorney-General and was able to grapple with this significant social problem when it fell into her lap, so to speak. The issue that honourable members have to deal with today is continuing the good work of Jan Wade through this significant bill that deals with this problem.

I am pleased that the government has such an extensive reforming legislative program that we are able to deal with these bills in such a bipartisan way. I am happy to support the bill and wish it a speedy passage.

Mr LANGUILLER (Sunshine) — I am happy to support the Prostitution Control (Proscribed Brothels) Bill. The purpose of the legislation is to amend the Prostitution Control Act in respect of the procedure for declaring premises to be a proscribed brothel.

By way of background, this measure is required particularly because of the effect of a recent decision of the Magistrates Court as to the meaning of the words 'is being carried on', which relates to the collection of police evidence, requiring it be done on the spot and provided immediately. It would preclude the police from being able to provide accurate evidence and substantiate that an illegal practice or brothel was on foot.

The bill is important because it will give the police and local government the power to investigate illegal brothels. In doing so it will provide the sex industry with certainty about practices, it will assist residents by providing certainty about the community they wish to have and the consultations that will need to occur prior to the establishment of a brothel, and it will certainly give local government the opportunity to play the constructive role it wishes to play in determining if, when and where a brothel can or should be established.

In all fairness, the sex industry would welcome the additional powers and authority given to the police force and councils to determine when and where brothels can be established. One should not forget that many of the individuals associated with illegal practices in the sex industry or prostitution are precisely the individuals our government wishes to protect. Many of them are unable to practise in legal brothels because they are involved in the use of illicit drugs and are consequently expelled — and so they should be. I think the provisions will enable the police and councils to identify the individuals involved and, it is hoped, progressively assist them by bringing them back to practise in a proper manner.

The bill will assist in the efficient operation of police, councils and brothels. I conclude by indicating my full support for it and wishing it a speedy passage.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Prostitution Control (Proscribed Brothels) Bill. Brothels have been around for many years. A report in the *Argus* of 28 March 1893 referred to:

> … the rumour that the parliamentary mace was taken to —

a brothel —

> in 1891 by a member of Parliament; the girls were alleged to have conducted a mock Parliament there. Continuing embarrassment inspired the government in 1893 to appoint a board to inquire into the loss. The board concluded that the mace had been stolen on 9 October 1891 for melting down by persons unknown.

It is amazing what some people do!

To get back to the bill, its purpose is to amend the Prostitution Control Act 1994 in respect of the procedure for declaring premises to be a proscribed brothel. It is important to protect the community against all organised crime and the undesirable elements associated with prostitution.

The bill attempts to prevent the increase of unlicensed brothels. I have been advised by local government officials that it is difficult and expensive to declare a venue a brothel. Some weeks ago constituents approached my office about a proposal to establish a massage parlour in Lower Templestowe. Unfortunately it was in a residential area very close to my house. There was a public outcry because most of the residents in the area were against having a massage parlour. The *Doncaster Templestowe News* of 14 February reports that:

> Most residents in the vicinity believed the centre would be used as a brothel …
>
> The residents were extremely anxious and they did not want a business like that in their area …
>
> One of the shops near the old milk bar is a fairy shop that does parties for children, so we were all very concerned.

I support the bill. It is important that the number of brothels be kept to a minimum.

Mr HAERMEYER (Minister for Police and Emergency Services) — I would like to thank the honourable members for Berwick, Wimmera, Richmond, Frankston, Bendigo East, Evelyn, Clayton, Kew, Sunshine and Bulleen for their contributions to this debate.

It is a fairly short and succinct bill but a very important one in that it amends the Prostitution Control Act and enables the presentation of evidence in relation to the declaration of a premises as a proscribed brothel to be admissible following a ruling of the Magistrates Court. I thank the house for the unanimity that has been shown in the carriage of the bill.

I want to pick up on two points. Firstly, I deny that the legislation is an attempt by the Legislative Assembly to obtain revenge for the fact that a former mace was said to have enjoyed pride of place at a prominent establishment in the east end of the city at an earlier stage.

Mr McArthur — Can you verify that?

Mr HAERMEYER — I am denying it. I wanted to clarify that in case somebody wanted to make that allegation.

The other point I want to pick up on is a point made by the honourable member for Evelyn, who believed this to be an Attorney-General's bill. I introduced the bill in this house on behalf of the Minister for Consumer Affairs in another place. This is a consumer affairs bill, and I would have thought that that was pretty obvious.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.30 p.m. until 8.03 p.m.

CONSTITUTION (SUPREME COURT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr McINTOSH (Kew) — There are two aspects to the Constitution (Supreme Court) Bill. One relates to the amendments to the Magistrates Court (Infringements) Act. There is no doubt that the opposition has been fully briefed on the amendments that relate to the more efficient use of police station facilities for the expedition of infringement penalties, so the opposition will not oppose them.

However, the principal amendments relate to the proposed changes to the Court of Appeal, which the opposition will certainly oppose. Based on my experience, the establishment of the Court of Appeal had a long genesis. I remember that as a young barrister and a member of the bar council a court of appeal was first mooted about 1987 by a number of people, one of whom is now a judge of the Court of Appeal. They argued that the establishment of an appeal court would be a great thing for the administration of justice in this state.

There were three principal reasons why that was considered to be so. Firstly, as the honourable member for Berwick has said, there has to be some degree of certainty in the law. It was argued that because of the capacity of its judges a court of appeal could oversee the defining of the law, which courts of appeal had done effectively and efficiently in both Queensland and New South Wales.

Secondly, it was considered to be the most efficient and effective use of judicial resources. It was considered that the appointment of an appeal court registrar, as had been done in New South Wales and Queensland, would enable a court of appeal to run more efficiently by allowing the judges to limit themselves to the appeal jurisdiction.

Thirdly, there was a gradual awakening in the profession and the judiciary about the general significance of establishing a court of appeal.

My predecessor as the member for Kew, the then Attorney-General, finally introduced legislation in 1994 to create the Court of Appeal, which there is no doubt the then opposition opposed. I have read the speech of the then shadow Attorney-General, in which he adumbrated the reasons why the opposition opposed the creation of the Court of Appeal.

The only thing that I could glean from a long and fairly controversial speech that was made torturous by the number of interjections was that he was opposed to sessionalist judges. Having appeared in the Court of Appeal and having seen how it operates as a practitioner, there is no doubt that we are not talking about specialist judges but about generalist judges who have to deal with a range of issues in both civil and criminal law. What they do not do is divide their time with the trial division. The Court of Appeal has been a singularly great thing for the administration of justice in this state, and the former Attorney-General should be congratulated on introducing the legislation that established it.

Government members interjecting.

Mr McINTOSH — It is interesting to hear the groans coming from the government side.

A government member interjected.

Mr McINTOSH — If you were fair dinkum you would do what you said you would, which is to get rid of the Court of Appeal. But you are tinkering around the edges, which is what we oppose.

The bill tinkers around the edges because the government does not have the capacity to say what it wants to do, which is to abolish the Court of Appeal. If it does abolish the appeal court, it will be putting the state back into a position from which, for the 20 years before 1994, people were wanting to take a worthwhile step forward.

We have seen the unusual circumstance of a Chief Justice of this state writing to the *Age* to complain about amendments that the government had been talking about, including allowing the transfer of judges between the Court of Appeal and the trial division of

the Supreme Court because of the backlog of cases. The reason there is a backlog of cases in the Supreme and County courts is that the government has not appointed any new judges to fill the holes and take up the slack.

An honourable member interjected.

Mr McINTOSH — The Court of Appeal itself still has a backlog!

We are also facing the prospect that by the end of this year two more judges of appeal will have to retire. I do not want to see this government refuse to bite the bullet and not appoint judges when they are desperately required. The judges are talking about it, the profession is talking about it and the people who appear in those courts are talking about it — as well as those for whom they appear, who require justice to be delivered expeditiously. The solution is not to juggle judges between different divisions in different courts.

I would hate to think that the government would transfer judges from the County Court to the Supreme Court or even from the Magistrates Court to the County Court to deal with the backlogs. This is an outrageous amendment, and I respectfully suggest that it should be concretely opposed.

On 23 February this year the *Age*, one of the great barracking newspapers for the government, went so far as to compliment the Chief Justice on writing to the newspaper to draw attention not only to the lack of judges in this state but to the amendments we are debating. It said:

> The Court of Appeal operates to review the decisions of lower courts, and although it is still early in the appellate body's life, its appointees are already on the way to establishing a special facility in reviewing findings of other courts. Appeal court judges should not be seen as members of some sort of judicial interchange bench who can be called on to fill in when fatigue or overwork hampers the functioning of the Supreme Court.

If there is a problem with the Supreme Court because of a backlog of cases or otherwise, the government should do its job and appoint more judges to the Supreme Court and not tinker around with such a worthwhile addition to the administration of justice in this state.

Ms ALLAN (Bendigo East) — I am pleased to speak on this fine bill, which has been introduced by the Attorney-General and his excellent parliamentary secretary, who is in the chamber. The bill is a straightforward measure, the first part of which deals with changes to the Supreme Court. The second part makes some minor changes to the Magistrates Court, which has not been referred to often during the debate. The bill amends the Constitution Act of 1975 and the Supreme Court Act of 1986. As we have already heard, it allows for judges of appeal to act as additional trial judges in the Supreme Court for a period of up to six months or for allotted specific proceedings. The bill allows that to occur only after consultation with and the agreement of the President of the Court of Appeal and the Chief Justice. This is part of the government's key commitment to ensure the independence of the Victorian courts — something that I am sure many Victorians hold dear. The doctrine of the separation of powers and the independence of the Victorian courts are important to this government, including the Attorney-General and his parliamentary secretary.

The third part of the bill enables the courts to provide effective services to all parts of our community. This is important to me because it facilitates the conducting of court circuits in country Victoria. I note that last year the Attorney-General opened a brand new County Court in Bendigo, which has gone a long way towards improving the local court system. On occasion the Supreme Court continues to sit in a magnificent old building in the centre of Bendigo that was built during the gold rush. Bendigo is part of the Supreme Court circuit, particularly for trials involving murders that occur in northern Victoria. Honourable members can understand the convenience of holding those trials in Bendigo.

Having more judges will give the Supreme Court greater flexibility to service regional areas like Bendigo. It will increase the court's ability to hear more cases locally and ensure that people in regional areas are exposed to the higher courts. I hope other courts will follow the lead of the Supreme Court and maintain appropriate levels of service in regional Victoria, because all too often we see important legal services in country areas wound back, particularly by the federal government.

As I said, the bill makes a number of amendments to the Magistrates' Court Act, but sadly time does not permit me to go into them in great detail. However, I commend the bill to the house.

Mr SMITH (Glen Waverley) — This is one of those fascinating bills that the government brings in without being sure about why it is doing so. The opposition knows that the main reason behind this bill is that in Victoria it is virtually impossible to find people who are prepared to join the court system and give up many of the things they have become used to over the years.

However, the main part of the bill deals with two courts — one that was established during the time of the last government, the Court of Appeal, and one that is Victoria's traditional court, the Supreme Court. The Court of Appeal — other states have similar jurisdictions — is a prestigious court with a full strength of nine judges that hears appeals and legal test cases.

The trial division of the Supreme Court is two judges short. This government is unable to find two judges or two lawyers whom it can appoint to the Supreme Court bench. Obviously it cannot appoint people who do not have the necessary qualifications and standing, but this government has been unable to fill the positions since it came to office, which is why we have this impasse, if you like.

As usual, the honourable member for Dandenong North finds this terribly amusing. He does not take anything seriously. The problem is that the government has reached the almost impossible situation of having to ask judges from the appellate court to hear cases in the trial division. What a great opportunity for a government to attract suitably qualified people with the right salaries, the right incentives and the right superannuation schemes — but no, all it wants to do is foment discord in the court system.

We have heard erudite speeches from the honourable members for Berwick and Kew, who gave us lawyers' perspectives on one of the most important bills we have had before the house this session. We need people of quality to find a solution, but instead we have a government in turmoil and an Attorney-General who has fomented discord in the community. We need someone with the right personality to find the incentives to draw the best people into the system so the Supreme Court is manned as it should be. The opposition concedes that those people would have to give up a lot, including a tremendous amount in terms of salary, but there must be lawyers in their mid to late 50s who would enjoy having tenure until they turned 70. Members of the opposition have spoken to people on the Court of Appeal, who are saying that will not happen. They feel extraordinarily put out about it. They joined the court to hear test cases and define the law.

I have a friend in the United Kingdom who is in much the same position. Mr Charles Barton, QC, has been offered cases such as the Rosemary West case. Time and time again he has said, 'The main reason I cannot come in is because of the salary structure of the court'. When he became a QC he thought he would not be able to get the amount of business he had before. Not only did he get double the fees, he also got double the business. These are the sorts of people — we do not want to talk about particular situations here in Victoria — who should be drawn into the court system. But they are not because this government is not providing the incentives. Because the opposition does not want to thwart the government in what it is doing it will allow the bill through. But the government is not giving lawyers in this state the opportunities they require. That is one of the failings of this government. It is one of the reasons that it cannot fill these positions. The Attorney-General has a lot to do when he recovers from his illness. He needs to think again about the way he is trying to recruit people to the Supreme Court of Victoria.

Mr STENSHOLT (Burwood) — The Constitution (Supreme Court) Bill is about flexibility in the management of the judiciary. The bill is about good management practice and good governance. As a former manager I appreciate the ability to have flexibility in the use of resources so long as it does not detract from the main task, in this case that of the bench of the Court of Appeal.

The bill allows for judges of appeal to act as trial judges of the Supreme Court for a period of up to six months. It is a sensible arrangement, in that there must be agreement from the Chief Justice and the President of the Court of Appeal, and in keeping with the traditions of the court the judge must be willing to do so. A reasonable amount of consultation is needed under the proposed arrangements and sufficient judgment must be exercised on the part of the President of the Court of Appeal and the Chief Justice.

This arrangement will provide judges from the Court of Appeal with experience in conducting trials. Even those who have previously had that experience would find it useful to exercise this opportunity from time to time. I am a strong believer in ongoing professional development and judicial education. It is very important. In the past I have helped organise professional development courses for judges from other countries such as Vietnam and Indonesia. Such ongoing professional development is essential in any profession, including the judiciary.

The bill contains a few other small amendments relating to the Magistrates' Court (Infringements) Act and the Magistrates' Court Act. Those amendments have already been outlined. This is good, flexible legislation providing for good management, and I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Constitution (Supreme Court) Bill. This bill is the beginning of an attempt to destroy the Court of Appeal, a court that has the full respect of the judiciary. Appointing a judge of appeal as a trial judge is wrong. It is wrong for the victims of crime and it is wrong for the profession. The Court of Appeal produces a basis of consistency, it provides a sound base for other courts' judgments and is highly regarded.

The reluctance of the Attorney-General to appoint judges to the trial courts has produced waiting lists. If one is a victim of crime or has had a son or daughter brutally murdered and is on a waiting list —

Mr Wynne — On a point of order, Honourable Deputy Speaker, on the question of relevance, the contribution being made here is clearly not on the bill. This is a contribution that goes to a different agenda, one about victims of crime. If honourable members want to debate that issue we can have that debate in a separate venue. This bill is about the Supreme Court Act and the amendments to it. I ask you, Deputy Speaker, to draw the member back to the bill.

The DEPUTY SPEAKER — Order! I do not uphold the point of order because the honourable member has only just begun speaking and is making some general comments. However, I ask her to pass fairly quickly to the bill itself.

Mrs FYFFE — What I am saying will actually be very relevant if I am given time to get to the point I am trying to make. Appeal court judges are highly respected, they set strong parameters and provide guidance for other judges in the law, and with this bill they will be brought down to a trial court. It will not be for a definite length of time — a case could last for several months. They will then return to being an appeal court judge, but if a case they have heard in the trial court comes up for appeal they cannot sit on the appeal.

My comments about victims of crime and the way they suffer relate to the experiences of parents who have suffered the loss of a child. They wait. They wait for someone to be charged, and they wait for the trial. If they have to wait longer because there are no judges available to hear the case, that compounds the horror of what they have gone through. If the Attorney-General had solved the problem of the waiting lists by appointing extra judges to the trial courts we would not have this need for appeal court judges to come down to the trial courts. Parents have to wait so long for someone to go to trial and be convicted of hurting or killing their child, and if that person then appeals they have to go through that long wait for the appeal to be heard because the appeal court judges will have been brought down to the trial courts. They will have to wait for a judge who has not been involved in the case. The pain will be prolonged again and again.

It is totally unnecessary to do this. If the Attorney-General had accepted his responsibilities and appointed more judges he would not need to introduce this bill. We have an Attorney-General who would not allow the police to question convicted criminals about crimes they were not suspected of committing but of which they may have knowledge. We have an Attorney-General who promised me in this house that there would be sufficient funding for victims of crime and yet there is now no funding for counselling services. We now have an Attorney-General who is trying to do something difficult when it would be much simpler if he just accepted his responsibilities and appointed more judges to the trial courts. This manoeuvre will destroy the highly respected appeal courts. The appeal courts need to remain in Victoria. This bill will cause dissent, it will cause problems, and it should not go through.

Mr MAXFIELD (Narracan) — I speak in support of the Constitution (Supreme Court) Bill. It has been disappointing to listen to some of the contributions made by members on the other side of the house. It is clear that they have not done their homework. The bill probably strikes at the core of the opposition's beliefs — that is, it is about the entrenched privilege of the elite. Members opposite are on about protecting the way things were in the past. They hark back to 50 years ago.

This bill is really about waiting lists. It is about ensuring that there is appropriate justice for those who need to use the court system. For too long we have had waiting lists. For too long we have had people having to wait for the justice they need.

Mr Wilson — Due to your incompetence.

Mr MAXFIELD — We can look at the incompetence of the Kennett government and its advisers, who failed to provide the access to justice that people deserve in this state. The bill we are dealing with provides for judges to take on more cases. We would not be delivering justice if we were trying to protect the way things were in the past. Justice delayed is justice denied.

The other advantage of allowing the appeal judges to serve as trial judges for up to six months is that it will broaden their experience, and other judges coming

through the system will have gained additional experience as they work through cases. It is important that we grow a judicial system where judges gain experience by being able to take on extra cases. Those who are waiting for justice, waiting for their cases to come before the court will appreciate this opportunity to have their cases dealt with sooner.

It is disappointing to see and hear some of the attitudes of those on the other side of the house. They are not really interested in providing justice for those who deserve to be able to access the court system. The bill is about the better resourcing of the court, and I commend it to the house.

Mr WELLS (Wantirna) — I refer the house to part 5 of the Constitution (Supreme Court) Bill, particularly clause 10 which is entitled 'Changes concerning imprisonment'. When the Minister for Environment and Conservation closes the debate I wonder whether she can respond to my concerns. If not, perhaps the honourable member for Richmond could talk to me later to make sure that the issue is clear.

The second-reading speech is dreadful with regard to the Magistrates' Court (Infringements) Act. It does not explain anything and refers simply to technical amendments to the act. The main amendment is to the commencement provision to allow part of the bill to be proclaimed to commence before the remainder of the bill.

I seek an explanation about the mechanics of how this part of the bill will work. The bill provides that people who are arrested under the provisions of the Magistrates' Court (Infringements) Act will be delivered to the officer in charge of a prison or police jail, which I suppose means that the person can be processed at the counter of the police station.

I am concerned that if the Sheriff is bringing in a person to be processed, he or she will know that the person will only ever be taken to a designated police station, or can they go to any police station? If they can only be taken to a designated police station, will they only go to a police station that has a category A or a category B cell? Whether it be through regulation or ministerial directive, the Sheriff's office must be clear on what is the case.

The other concern is that if a person is being processed at a police counter, for example, one would assume that there is also a police cell. But if the person absconds for one reason or another, the opposition would want to ensure that the police have the power to apprehend the person and put him or her in a safe and secure cell.

I am not concerned about the philosophical differences between the two sides of the house. I am more concerned about the mechanics of the bill and how it will work. The Sheriff must have a clear understanding of how the new provisions will work. The Sheriff must be able to properly implement his or her duties with regard to people who breach the Magistrates' Court (Infringements) Act.

Ms BEATTIE (Tullamarine) — It gives me great pleasure to join the debate on the Constitution (Supreme Court) Act which stems from the need for additional trial judges. It was precipitated by the resignation of Justice Hampel at very short notice in September 2000.

A judge can resign at short notice at any time and all contingencies must then be covered. When Justice Hampel resigned a number of trials had to be adjourned in the criminal list and then relisted. It attracted adverse comments in the press following statements by Justice Vincent when adjourning trials that the court could not proceed due to the vacancy created by Justice Hampel's departure. Justice Bongiorno was appointed to the trial division as Justice Hampel's replacement in December 2000.

A number of options are presently available for the flexible resourcing of the Supreme Court. I am probably one of the few non-lawyers to speak on the bill but it can be a real advantage to have broad-based community input rather than having lawyers debating the issues all the time. There will now be a rotation of judges between lists in the trial division, the appointment of reserve judges and the appointment of County Court judges acting as trial judges of the Supreme Court.

In addition trial judges may occasionally be temporarily assigned to the Court of Appeal to assist with that division's workload. There is the further option for the flexible resourcing of the Supreme Court, generally for judges of appeal to sit from time to time in the trial division to assist with the disposal of its workload.

The other night I had occasion to drive to the County Court and Supreme Court precinct at 5.30 p.m. as the courts were adjourning for the day. Seeing some of the archaic happenings outside the court was like chancing upon a scene from the comedy festival. There were people with wigs askew and flowing gowns. It looked like something out of a television series from another era. I fondly recall watching *Rumpole of the Bailey* on a Sunday night. Sadly, Rumpole is no longer seen on television, and more is the pity! I am now reduced to watching *Yes, Minister*.

In her second-reading speech on the Constitution (Court of Appeal) Bill which established the Court of Appeal, the former Attorney-General said that the bill retains the possibility for judges of appeal to exercise the jurisdiction of the trial division. It is important that we make the legal system flow and that people are not waiting unduly for their trials.

Any legislation introduced to assist in the smooth flow of court cases is obviously good legislation. I congratulate both the Attorney-General and his parliamentary secretary. We all know the Attorney-General has been sick, but I congratulate the parliamentary secretary on the excellent work he has done in bringing the bill before the house. I wish the bill a speedy passage.

Mr WILSON (Bennettswood) — The honourable member for Tullamarine just spoke about the TV program *Yes, Minister*. A number of friends of mine have recently commented to me that in Sydney the program is viewed as a comedy program; in Canberra it is viewed as a tragedy; and in Melbourne it is viewed as a documentary!

I am pleased to join the debate on the Constitution (Supreme Court) Bill. I take much comfort from the fact that it was only 20 seconds into the contribution of the honourable member for Evelyn before the honourable member for Richmond raised a point of order. It showed how sensitive he is about this matter. I also noted the contribution of the honourable member for Narracan, who is one of the intellectual giants of the Bracks government! His contribution was second to none.

The minister's second-reading speech tells a story. It is the shortest second-reading speech I have heard during my time in this Parliament, and it is significant that far more detailed and valuable contributions were made by the shadow Attorney-General and the Leader of the National Party. Indeed, all opposition members have made far more worthwhile contributions than the Attorney-General.

It is significant that this important piece of legislation is before the house at 9.40 p.m. and that the acting Attorney-General is not here. Obviously, he does not have enough interest in the bill, and the number of honourable members sitting on the government benches is limited to three or four.

The bill says much about the Attorney-General; it says much about his ability, or indeed inability, to administer the justice and judicial systems in Victoria. We are faced with a bizarre situation: the bill is a rewriting of the rules of the Supreme Court of Victoria, and, more importantly, of the Court of Appeal. As opposition members pointed out during their contributions earlier, the bill is before the house because the Attorney-General has been so incompetent in his portfolio that he has failed to appoint the requisite number of justices to the Supreme Court of Victoria.

The honourable member for Kew referred to an editorial that appeared in the *Age* of 23 February. I will repeat the quote from that part of the editorial referred to earlier by the honourable member for Kew, and I will add my comments to it. It states:

> The decision by Chief Justice John H. Phillips to discuss the Supreme Court's performance in a letter to the *Age* was remarkable in itself. After all, judges by convention enter into the realm of public debate very rarely. But the substance of the judge's intervention, which included a demand that two extra judges be appointed to his court, placed him at odds with the Victorian government, which has floated a series of proposals for the state's judges.

The editorial continues:

> The Kennett government established the Court of Appeal in part to separate and more clearly define the functions of the various courts in the Victorian legal system. The Court of Appeal operates to review the decisions of lower courts, and although it is still early in the appellate body's life, its appointees are already on the way to establishing a special facility in reviewing findings of the other courts. Appeal court judges should not be seen as members of some sort of judicial interchange bench who can be called on to fill in when fatigue or overwork hampers the functioning of the Supreme Court.

Interestingly, there was no suggestion in the Attorney-General's second-reading speech that the substance of the bill came about as a result of a recommendation of the President of the Court of Appeal or the Chief Justice of the Supreme Court. That tells a story.

I pick up on the point made by the honourable member for Kew. The bill attempts to undo much of the good work of the previous Attorney-General, the Honourable Jan Wade. All honourable members on both sides of the house, know Jan Wade, the Attorney-General of Victoria between 1992 and 1999 and the predecessor of the present honourable member for Kew, was an outstanding Attorney-General for Victoria. Her creation of the Court of Appeal of the Supreme Court of Victoria will be remembered as one her greatest achievements.

Ms GARBUTT (Minister for Environment and Conservation) — This important bill adds further support for the courts and flexibility in the administration of justice in Victoria. It is a significant bill. I extend my congratulations to the

Attorney-General on his hard work, the parliamentary secretary on his support and to both of them on their commitment to justice in Victoria.

I thank the government members, the honourable members for Richmond, Werribee, Bendigo East, Burwood, Narracan and Tullamarine, for their contributions to the debate. I also thank the opposition members, the honourable members for Berwick, Mornington, Kew, Glen Waverley, Evelyn, Wantirna and Bennettswood, for their contributions to the debate.

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

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clause 1

Dr DEAN (Berwick) — I move:

1. Clause 1, page 1, lines 4 to 7, omit paragraph (a).

I will not speak at length about why this clause, which sets out the purposes of the bill and which contains the fundamental paragraph that undermines the Court of Appeal, is wrong. However, I will make five points, the first of which is that the Court of Appeal, which was established in 1994, has shown itself to be one of the finest courts in Australia. It has had four years to build its reputation and ensure that its decisions have some sort of constancy. If the Constitution (Supreme Court) Bill is passed without amendment the court will be undermined against the wishes of the Chief Justice and the President of the Court of Appeal — and against all common sense.

What will happen is that those judges who are appointed to the trial division will not be appointed. As the Attorney-General has said in the newspapers, he sees the bill as a substitute for appointing trial judges, even though the Chief Justice himself has said it will not do that. Given that the president and Chief Justice have both said that the Court of Appeal is flat chat — and their permission will be required before any appeal judge is moved from the Court of Appeal to the trial division for a temporary period — it will never happen. The government is putting legislation on the books that will never be used. Even if the Chief Justice and the President of the Court of Appeal wished judges to cross over to the trial division, it would not be possible.

Next is the matter of horses for courses. If members of the Court of Appeal who are not trial experts — many have been black-letter lawyers and never conducted a trial — cross to the trial division to fill a gap, it will be unfair both on them and on the people appearing in the trial. Why should someone being prosecuted for a criminal offence be put in the situation where the judge has been taken from a black-letter law background in a black-letter court and asked to conduct the trial? It is most unfair, and I do not believe the judges would want to do it.

There is some suggestion that this would somehow assist black-letter lawyers to know about trials. What a ridiculous suggestion that is! How could a Court of Appeal judge, one who has spent their life in areas other than the trial division, learn in one short experience all about running trials? Why should the person who is going to be subject to their judgment have to be the bunny for that learning experience?

It is also important to recognise, as has been pointed out by the Victorian Bar Council, that because of the way trials run it is impossible to assume that the logistics of moving a person from the Court of Appeal down to the trial division will be possible without wrecking the schedule of the Court of Appeal and plunging the trial division into a logistical nightmare. If, for example, the court adjourns the trial to raise it again at a later date, where does the Court of Appeal person go? As has been pointed out by the chairman of the bar council, Mr Mark Derham, QC, it is a logistical nightmare. It is a noddyish, silly, immature piece of legislation. This has not been done in any other state because the other states are not so foolish.

I ask those who have listened to the debate to support the amendments.

Mr McINTOSH (Kew) — Considering the purpose of the bill, and given that the government is so committed to community consultation and the interests of all sorts of bodies, it is incredible that the Chief Justice of the Supreme Court opposes the proposed amending legislation and that there is no mention in anyone's speech or in the second-reading speech of what the President of the Court of Appeal, the judges of the Court of Appeal or the judges of the Supreme Court want. The Victorian Bar Council has come out against the provisions relating to the Court of Appeal and the Law Institute of Victoria has also come out against those provisions.

Who in the community is going to introduce the amending legislation in relation to the Court of Appeal?

Mr WYNNE (Richmond) — The amendments proposed by the honourable member for Berwick to clause 1 would have the effect of disintegrating the government's proposed legislation. If people vote in favour of the amendments proposed by the shadow Attorney-General they will be seeking to demolish the proposal put by the government — namely, that the courts gain flexibility of arrangements between the appellate court and the Supreme Court.

It is important to understand that if the legislation is successful Victoria will not be the only jurisdiction to enact such a proposal. I direct the attention of the shadow Attorney-General and the honourable member for Kew to the jurisdictions of Queensland and New South Wales.

Dr Dean — Not New South Wales.

Mr WYNNE — Yes, and New South Wales.

Dr Dean interjected.

Mr WYNNE — I am firmly advised by our department that it is the case that in Queensland and New South Wales the provisions proposed in the bill are already in operation, that they work extremely well and that any logistical problems, which I attempted to address when I replied to the shadow Attorney-General, have been sorted out in both the Queensland and New South Wales jurisdictions.

Mr WILSON (Bennettswood) — I ask the Minister for Local Government, who is acting in the place of the Attorney-General, rather than the parliamentary secretary, whether he can give me a practical example of how clause 1(c), the provision that deals with the expiry of enforcement orders and changes concerning imprisonment, would operate. I seek a practical example from the minister so that honourable members on this side of the house will understand where he is trying to take us.

Mr CAMERON (Minister for Local Government) — Mr Acting Chairman, clause 1(c) relates to miscellaneous amendments to the Magistrates' Court (Infringements) Act 2000. We will deal with that matter when it relates to that specific provision in the bill.

Amendment negatived.

Committee divided on clause:

Ayes, 44

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

Noes, 41

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

Clause agreed to.

Clause 2

Dr DEAN (Berwick) — I move:

4. Clause 2, line 8, omit "(1)".

This amendment is a consequence of the purpose clause. I have made my points fairly clear that, should these provisions not be amended, the Supreme Court system of justice will be undermined. Given that the Chief Justice has taken the course of writing to the newspapers in an attempt to stop this and that the bar council has attempted to talk some sense into the

government and it still cannot be done, the opposition can but be left to move these amendments and hope they will succeed.

Amendment negatived.

Dr DEAN (Berwick) — I move:

5. Clause 2, line 8, omit "(except section 6)".

Amendment negatived.

The ACTING CHAIRMAN (Mr Nardella) — Order! As a result of amendment 5 being lost, the honourable member cannot move amendment 6.

Clause agreed to.

Clause 3

Dr DEAN (Berwick) — I move:

7. Part heading preceding clause 3, omit this heading.

This is simply an amendment to remove the heading preceding clause 3. As a consequence of what has already been said it would be necessary to remove this heading if the Court of Appeal were able to be returned to what it was intended to be, to prevent what would be an undermining of this court.

Mr McINTOSH (Kew) — I have a question for the minister at the table about the practical operation of clause 3, particularly proposed section 80C. Given the fact that the bill will provide some flexibility and education of judges of the Court of Appeal by getting some experience in the trial division, notwithstanding that many of those judges have had longstanding histories practising as Supreme Court judges in the trial division before they were elevated to the Court of Appeal, and that there are chronic problems with delays in the Court of Appeal as there are in the trial division, I understand that one concern that has been raised — —

Honourable members interjecting.

The ACTING CHAIRMAN (Mr Nardella) — Order! There is too much audible conversation which is making it difficult for the committee to hear the honourable member. If honourable members want to have a conversation, they should leave the chamber.

Mr McINTOSH — There are chronic concerns about delays in Court of Appeal trials associated with unrepresented people who have been convicted of criminal offences in lower courts appealing to the Court of Appeal and not being granted legal aid. One of the remedies the previous Attorney-General introduced was the possibility of increased penalties if appeals were unsuccessful. Given that there are delays in the Court of Appeal and in the Supreme Court trial division and that the Chief Justice says the remedy would be the appointment of new judges to overcome these concerns, and given that there are problems with legal aid, I ask the minister how would this provision operate in practice and when does he feel the Chief Justice would make that request?

Mr CAMERON (Minister for Local Government) — The honourable member for Kew has gone off on a tangent and has not addressed himself to clause 3.

Clause 3 relates to additional judges of the trial division. The bill provides for Court of Appeal judges to be appointed to the trial division under certain circumstances. It should be noted that this fits in with the comments that were made by the then Attorney-General, Mrs Wade, at the time of introducing the original bill.

The former Attorney-General in her second-reading speech said that that bill retains the possibility for judges of appeal to exercise the jurisdiction of the trial division. However, there has been some uncertainty. Subsequently, this bill clarifies that position.

Mr WILSON (Bennettswood) — I seek an answer from the acting Attorney-General rather than the parliamentary secretary. Clause 3 provides for the insertion of proposed section 80C(1). What is the difference in the wording 'concurrence' of the President of the Court of Appeal and an individual judge of the trial division being 'willing'?

Honourable members interjecting.

The ACTING CHAIRMAN (Mr Nardella) — Order! I ask honourable members to give the honourable member for Bennettswood a fair go. If you want to have conversations, please go outside.

Mr CAMERON (Minister for Local Government) — The clause provides that in addition to the concurrence of the president and the Chief Justice the judge has to be willing. That means that the judge has to consent.

The ACTING CHAIRMAN (Mr Nardella) — Order! I make it clear that the committee is voting on the heading to part 2 of the bill.

Amendment negatived.

Dr DEAN (Berwick) — Mr Acting Chairman, I am not sure whether you want to split amendment 8 into two parts. I intend to move that portion of amendment 8 that proposes that clause 3 be omitted. I move:

8(a). Clause 3, omit this clause.

In discussing clause 3 my friend and colleague asked about the requirements for a judge of the Court of Appeal to be moved to the trial division. This is what discloses the absolute nonsense of this provision. When the provision was originally drafted the only person who made this decision was the Chief Justice. In other words, the President of the Court of Appeal had no say on whether one of his judges was to be removed by the Chief Justice to the trial division. Not unexpectedly — although I am not aware of the actual communications — one would assume that the President of the Court of Appeal would have been most unhappy about that.

I cannot imagine — not that I know what the position was — the President of the Court of Appeal being happy with one of his judges being removed by the Chief Justice without his approval, despite the fact that he was trying to set the list for the Court of Appeal. So now, as is appropriate, the President of the Court of Appeal has been put in there. Of course it must all be with concurrence and of course the judge must be willing — it sounds like some ditty!

What it means is that because the president has said that his court is always busy and he cannot assume there will ever be a time when a judge from his court will be available, and because the Chief Justice would never wish to cross the president and would work with the president, and because the judge him or herself may not wish to go to a trial, I can say categorically that there will never be an instance — even when this legislation is enacted — when it will actually be used. There will never be an instance when a Court of Appeal judge goes down to the trial division to take a case, because the practicalities of the situation are that the president will not say yes, therefore the Chief Justice will not require it, and in any event probably the judge will not be willing because the judge is busy.

What you are effectively saying is that there is a judge of the Court of Appeal who is going to get up and say, 'Look, I haven't got enough to do — no reserve judgments, no research, no cases coming up. I am just looking for something else to do. I just want some more work'. I know the judges of the Court of Appeal. They are all flat tack. They are all working incredibly hard. Why? Because this government will not give them sufficient numbers of members of the judiciary to spread the load. So here they are, busting under the strain of the work that has been imposed upon them by this penny-pinching government, and it has the audacity to bring in a piece of legislation that says, 'Let's make them work harder'. Having denied them the right amount of resources for the job in the first place, the government then says, 'We want you to divide yourselves between the Court of Appeal and the trial division'. What absolute nonsense!

This government should apologise to the Chief Justice, who was forced to write a letter to the newspaper to try to stop this happening. What would the communications between the Attorney-General and the Chief Justice be like? What sort of communications could there possibly be when the Chief Justice has to write a letter to a newspaper to make a point with the Attorney-General? The government should apologise to the Chief Justice, should apologise to the president and should be relieved that we are attempting to get rid of this silly provision.

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

Ayes, 44

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

Noes, 41

Asher, Ms
Ashley, Mr
Baillieu, Mr
Burke, Ms
Clark, Mr
Cooper, Mr
Dean, Dr
Delahunty, Mr
Dixon, Mr
Doyle, Mr
Elliott, Mrs
Fyffe, Mrs
Maclellan, Mr
Maughan, Mr (*Teller*)
Mulder, Mr
Napthine, Dr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Plowman, Mr
Richardson, Mr
Rowe, Mr
Ryan, Mr

Honeywood, Mr
Jasper, Mr
Kilgour, Mr
Kotsiras, Mr
Leigh, Mr
Lupton, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Steggall, Mr
Thompson, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr

Amendment negatived.

Clause agreed to.

Clause 4

Dr DEAN (Berwick) — I move:

8(b). Clause 4, omit this clause.

This is the second part of amendment 8, which seeks to omit clause 4. I do not wish to speak on it.

Amendment negatived; clause agreed to.

Clause 5

Dr DEAN (Berwick) — I move:

9. Part heading preceding clause 5, omit this heading.

Amendment negatived.

Dr DEAN (Berwick) — I move:

10(a). Clause 5, omit this clause.

Amendment negatived; clause agreed to.

Clause 6

Dr DEAN (Berwick) — I move:

10(b). Clause 6, omit this clause.

Along with clause 5, clause 6 refers to the need for a judge of the Court of Appeal to be sure that if he sits on a trial in the trial division he does not end up also sitting on the Court of Appeal should that matter be appealed. This is just another complication that should not have been included in the legislation in the first place.

Mr PATERSON (South Barwon) — Clause 6, which is headed 'Statute law revision' says:

In section 33G of the Supreme Court Act 1986 for "representative" substitute "group".

Given that there is no reference to this matter in the second-reading speech, I ask the acting Attorney-General what practical effect this measure has.

Mr CAMERON (Minister for Local Government) — Section 33G was inserted in the Supreme Court Act of 1996 by the Courts and Tribunals Legislation (Miscellaneous Amendments) Act of 2000 as part of a package of amendments dealing with group proceedings in the Supreme Court. These amendments commenced operation on 1 January 2000. Section 33G disallows group proceedings arising solely out of cross-vesting legislation. Section 33G incorrectly refers to 'representative' rather than 'group' proceedings.

Mr PATERSON (South Barwon) — The acting Attorney-General has not answered the question.

Honourable members interjecting.

The ACTING CHAIRMAN (Mr Nardella) — Order! I ask honourable members to please keep the noise down.

Mr PATERSON — The acting Attorney-General has not answered my question, which was: given that there is no reference to this clause in the second-reading speech, what practical effect does it have?

Mr CAMERON (Minister for Local Government) — The practical effect is to correct section 33G, which should have had the word 'representative' rather than the word 'group'.

Mr McINTOSH (Kew) — This seems to be a drafting correction to the Supreme Court Act. It does not seem to be related to the purpose of this bill as set out in the second-reading speech. Is it a drafting error that has been picked up in the course of the debate?

Mr CAMERON (Minister for Local Government) — This corrects an amendment to the Supreme Court Act made in part 3 of the bill.

Amendment negatived; clause agreed to; clauses 7 and 8 agreed to.

Clause 9

Mr McINTOSH (Kew) — Is the minister able to give the committee an example of the practical effect of these expiry enforcement orders? How will they operate?

Mr CAMERON (Minister for Local Government) — Clause 9 substitutes clauses 14A and 14B in section 11 of the Magistrates' Court (Infringements) Act of 2000. Those clauses deal with the expiry of enforcement orders. In current clauses 14A and 14B it is not clear when some enforcement orders will expire. Some enforcement orders may have

two possible expiry dates. For example, an enforcement order could expire under either current clause 14A(2)(a) or 14A(2)(b) as a penalty enforcement warrant could have been issued in relation to an order for which an arrangement to pay by instalments has also been entered into. Clause 9 substitutes clauses 14A and 14B to ensure that there is a clear expiry date for each enforcement order.

Mr McINTOSH (Kew) — With respect, Mr Acting Chairman, it appears to me that the minister has not answered the question, which asked whether he could give a practical example of the way the clause operates. There are a number of time limits and timetables. It appears that the minister was reading from a ministerial briefing note. I would like to know how the clause operates in practice.

Mr CAMERON (Minister for Local Government) — In practice it is possible for there to be two possible expiry dates. What the government wants to make sure of is that they are brought in line, which is what this clause will do.

Clause agreed to; clauses 10 and 11 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

The SPEAKER — Order! As there are not 45 members in the chamber I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

WATER (AMENDMENT) BILL

Second reading

Debate resumed from 1 March; motion of Ms GARBUTT (Minister for Environment and Conservation).

Mr McARTHUR (Monbulk) — It is a pleasure to speak on the Water (Amendment) Bill. I would be quite happy to speak on a complete rewrite of the Water Act 1999, but the minister has chosen to bring in a very minor set of amendments to that act. Principally, three main actions will occur as a result of this legislation being passed. The Liberal Party will be supporting this legislation. It is sensible legislation. It is, in fact, legislation which was anticipated in the latter stages of the Kennett government; it is legislation the Liberal Party would have brought in were it still in government. On that basis it would be sensible for the Liberal Party to support it.

The bill contains three main initiatives. It provides waterway and flood plain management powers to the two catchment management authorities (CMAs) in the state which do not already have those powers — that is, the Wimmera and Mallee catchment management authorities. Those two catchment management authorities were not given those powers when they were created for a simple reason — that is, there were no waterway and flood plain management districts in existence in those authority areas at the time of the creation of the catchment management authorities and thus they did not need to inherit those powers from the agencies which they took over.

In the time since their creation in 1996 the Wimmera and Mallee catchment management authorities have each done a significant amount of regional planning and are keen to take on the waterway and flood plain management powers held by other catchment management authorities. It is sensible to give those powers to them. This legislation does that and the opposition supports that extension of power to those two catchment management authorities.

The bill also provides the minister with a power to exempt an authority from the existing specified notification procedures in the 1999 Water Act. I had some private discussions with the Minister for Environment and Conservation and her advisers prior to the commencement of this debate but I have a question and I hope the minister will put the answer on the record in her response to the second-reading debate at a later stage.

The third provision is to correct an administrative error which occurred when the Lower Murray Region Water Authority was created and to validate the actions that authority has taken since its creation. This is one of those drafting errors which occurs from time to time in all governments. In this case, when the assets and powers of three separate bodies, the Sunraysia Water Board, the Robinvale Water Board and the Shire of Gannawarra, were transferred to the newly created Lower Murray Region Water Authority the administrative order creating the new authority did not

transfer the assets and the powers of those three bodies to the new water authority.

As a result there is a potential problem with the operation of the authority, including its past actions. The bill corrects that, fixes up the order and validates the past actions taken by the authority in the expectation that it was operating legitimately.

I will make a couple of brief comments about the waterways and the catchment management authorities under the minister's careful direction. Honourable members will recall that when in opposition the Labor Party campaigned strongly against a range of powers that were exercised by catchment management authorities across Victoria, and principally their levy powers. It was successful in its campaign and made a good deal of political capital out of the issue. Since coming into government it has abolished the levy power of the CMAs. In doing so the government promised to replace the gains the CMAs had made from their levy raising with direct financial contributions. It promised that the management authorities' important environmental works, such as river management works and general environmental works, would not be diminished and that the communities in the CMA areas would not suffer in any way as a result of the loss of the levy-raising powers.

Sadly that has not been the case. A number of CMA officers and staff have told me privately that the amount of money the minister has provided since the abolition of the levy power has not met the authorities' expectations. In particular the people who live and farm in the area managed by the West Gippsland Catchment Management Authority have told me that the minister's decision has resulted in a severe loss of cash flow.

The farmers and community groups who live, work and in many cases volunteer for worthwhile environmental management programs such as weed eradication and pest management programs and waterway and river bank improvement works are saying the West Gippsland CMA has experienced a substantial loss of ability to carry out those works. As a result many of the contractors and casual staff who worked for the West Gippsland CMA are no longer able to obtain contracts or employment. Those people are no longer allowed to speak to opposition members in an official capacity because a veil of secrecy has been drawn over their operations. They are not allowed to either speak to me or meet me unless the minister's minder is present. This makes it impossible for the workers to talk openly about their financial situation. However, I have been advised unofficially by people who live and work in the area that the West Gippsland CMA has a shortfall of about $600 000.

Mr Maxfield interjected.

Mr McARTHUR — I invite the honourable member for Narracan, whose electorate covers a good deal of the area that the West Gippsland CMA manages, to detail the authority's problems. He could have come into this place this morning and debated an issue of rural and regional importance but he refused because he has been gagged by his Premier.

Mr Maxfield — Absolute rubbish! You are lying to the house!

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member for Narracan!

Mr McARTHUR — He is wet behind the ears and he does not know the rules and procedures of this place. Nevertheless I invite him to explain why it is that the West Gippsland CMA can no longer employ those people to carry out a good deal of necessary work, why it has put in a request to the government for $2 million to enable it to carry out urgent works on the Moe main drain and why it is desperately seeking assistance from the honourable member for Narracan, hoping he will advocate for the people who farm and work in the West Gippsland area. If he really were a representative of the area he would be calling for more money for the authority and calling for its funding to be reinstated so it could do the work it wants and should be able to do.

Despite all the minister's protestations about continuing appropriate funding, it has not happened. The angry and anguished bleating one hears from the honourable member when these matters are put before the house demonstrates that he is being hit where it hurts. To paraphrase the words of the Bard, 'Methinks he doth protest just a wee little bit too much'. He is in trouble. He is not supporting his local people, his local authorities and the farmers who earn their living in the area he is responsible for. The chickens will come home to roost, because the honourable member for Narracan has shown by his actions over the past two days that he is unwilling to advocate on behalf of his electorate, the farmers of the area, the Shire of Wellington and the West Gippsland CMA.

The honourable member can correct that, because tomorrow the opposition will give him another chance. Let him come into the house tomorrow and argue on behalf of people in rural and regional Victoria. I hope he takes up the challenge, but I am afraid he has been gagged.

I am afraid he will be absent from the house when we debate the issue tomorrow morning. When we debate it tomorrow morning the honourable member for Narracan will turn up missing! He will either be out of the chamber or he will sit mute in his spot. It is a pity, because these works should be funded. It is time the minister delivered on her promise.

Mr Maxfield — On a point of order, Mr Acting Speaker, I thought the honourable member for Monbulk was supposed to be speaking on the bill. I hate to say this, but I thought the bill concerned the Wimmera and the Mallee. I understand the opposition does not know where rural Victoria is, but surely he knows the difference between Gippsland, the Mallee and the Wimmera.

Mr McARTHUR — On the point of order, Mr Acting Speaker, the bill deals with the appointment of catchment management authorities under the Water Act. The West Gippsland Catchment Management Authority is an authority covered by the Water Act, and my comments about its ability to exercise its waterway management powers are directly relevant to the bill, so the honourable member is wrong on that point.

The second point is that I was born in the Mallee, Baby! I lived there for the first 40 years of my life, so he is wrong, wrong, wrong!

The ACTING SPEAKER (Mr Nardella) — Order! There is no point of order. The lead speaker for the opposition is allowed a wide-ranging debate.

Mr McARTHUR — Thank you, Mr Acting Speaker, for your wise counsel. I hope the honourable member for Narracan comes in here tomorrow and advocates on behalf of his electorate. Nevertheless, if that does not happen I appeal to the minister to return the $600 000 which the West Gippsland Catchment Management Authority desperately needs and which has been distributed elsewhere. I hope she sees good sense, does the right thing by the people of the West Gippsland area and sees the need for this work to be carried out despite the inaction of the local members.

Another matter that deserves comment in relation to catchment management authorities is the minister's absolute pogrom against the membership of the previous CMAs. She chopped the heads off more than 50 per cent of the former members, and seven of the nine former chairs of the previous CMAs. She did that without explaining why those people were no longer fit to carry out their duties. Many of them were experts who were experienced and respected in their fields. Their heads were chopped off, despite the fact that they renominated for their positions, were short-listed and came from the area. The honourable member for Ballarat East was involved in it. He black-listed the people from the Central Highlands area, people from his own electorate.

These people had been involved in the catchment management authorities from the time of their creation and did some groundbreaking work. Yet the only thanks they got from this government was the sack. They did not get a letter saying, 'Sorry, you no longer meet the qualifications for the job'. They put in their applications, they clearly met the test and they were short-listed by the independent panel the minister appointed, but they never got further than the short list. Do we know the reason? No, because the minister refuses to release the documents.

I applied for those documents under freedom of information. This is the open, honest and accountable Bracks government — it will make all things available to the public! — but this minister denied access to them. She said, 'No, I am sorry we cannot release them. These things are confidential and should not be made available to the public. These people should never know why they were sacked'.

The ACTING SPEAKER (Mr Nardella) — Order! The time appointed under sessional orders for me to interrupt the business of the house has now arrived.

Sitting continued on motion of Mr BATCHELOR (Minister for Transport).

Mr McARTHUR (Monbulk) — I thank the Leader of the House for his support of my comments by continuing the sitting. It is pleasing to have such support from the other side of the house.

I will not go into the detail of the sackings, but I will point out that one of the people who was appointed to the new catchment management authorities has outstanding qualifications. The person has such outstanding qualifications that she was made the deputy chair of one of the authorities. Her outstanding qualifications include the fact that she was a storekeeper, so she was a water user and presumably had some ability. But the best qualification — —

Mr Maxfield interjected.

The ACTING SPEAKER (Ms Davies) — Order! The honourable member for Narracan is being disorderly.

Mr McARTHUR — The best qualification this person has for appointment to a water authority is that she is the Labor candidate in the approaching federal election. That is about the only involvement she has with water authority management. It is a dreadful pity that the minister has sacked people with expertise, experience and proven records of performance and replaced them with political cronies. However, that will do at this stage for that little pogrom carried out by the minister.

Several other boards are due for reappointment in the near future, but the opposition fears a similar path awaits the people sitting on those boards. Everybody's position is in jeopardy, and most people in that area will find themselves out of a job in the future.

I turn briefly to the issue of consultation. The opposition sought advice from the Victorian Farmers Federation and sent copies of the bill to the 10 municipalities within the Wimmera and Mallee catchment management authority areas, the Lower Murray Region Water Authority and a range of other community groups. Generally speaking there is support for the bill, which is understandable. It is a further step along the way of amendments to the Water Act initiated by the former Kennett government between 1996 and 1999 and is what the opposition would have done in government.

However, I have concerns about clause 4, which were echoed by the Victorian Farmers Federation. I have had the opportunity of speaking with the Minister for Environment and Conservation and her advisers about the issue, but I seek an assurance on the record that the exemption from the notification power is limited to the creation of two new authorities. Clause 4 is the exemption clause, and it authorises the minister to exempt an authority that submits a proposal to establish a new waterway management district from complying with the notification provisions of the principal act, which are contained in section 96(5) and which can be found at page 140 if any honourable member cares to look.

Because of the notification provisions contained in the principal act, if this exemption power were not allowed the Wimmera and Mallee CMAs would have to write to every person who has property or lives within their areas, most of whom will not be directly affected by the decision to give the Wimmera and Mallee CMAs waterway and flood plain management powers.

The exemption from the notification requirements is sensible. However, it has been raised with me, I raised it with departmental officers and now raise it with the minister, that the possibility exists that the exemption power is a general power that could apply to any other decision by a minister to create a new waterway management district. In effect, the minister could restructure the whole of the state's waterway management districts — or part of them — and exempt the authorities she was creating from the notification requirements.

I am assured by the minister and her officers that other sections in the act limit this power — and for the life of me I cannot find the right one at the moment. I have had that assurance, but I ask the minister to give an assurance in her summing up of the second-reading debate that the exemption power is limited to the creation of the two new authorities and cannot be used in the amendment of existing authorities or the creation of other new authorities. I ask that she sets that clearly on the record so that people may be assured that it is not a general power but a specific and limited one.

I turn now to give the house a wry bit of feedback I received from one of the catchment management authorities. As I said, I wrote to the two CMAs being given these new powers and asked them for their response. I also said that the opposition is no longer able to speak with them without the presence of a ministerial adviser. In the current climate the CMAs are understandably nervous about talking directly to the opposition. While I received feedback from the Mallee Catchment Management Authority, the house may be interested to know the dates and ponder about the reason for them. I wrote to the CMAs on 8 March, which is pretty much after the legislation was introduced. The Mallee CMA wrote back saying in part:

> I understand this bill has been introduced into state Parliament and is scheduled to be debated during the week commencing Monday, 19 March 2001.

It then advises that it is happy with the bill and is keen to see it pass, which is terrific. It was right; the bill could have been debated during the week commencing 19 March and passed by the house, which would have been fine. The unfortunate part is that the letter received from the CMA was written on 23 March. Under the normal provisions for the tabling and management of legislation, in all likelihood the bill would have been through and debated.

It demonstrates that the authorities are nervous about talking to members of the opposition, and I imagine members of the National Party are receiving the same treatment. The Mallee CMA is a good CMA and its people are decent people. I understand their nervousness in corresponding with the opposition in the

present climate. I know they cannot meet with me unless permission is received from the minister's office and an adviser is present. That is unreasonable, particularly when we are talking about factual information and briefings on technical matters that deal with important environmental and land and water management issues.

I asked the minister whether she would consider lifting the heavy veil of secrecy she has imposed on these people. When the coalition was in government she used to meet with water authorities, with no ministerial adviser present. I ask her to extend the same courtesy to the opposition. Nevertheless, I support the bill and wish it a reasonably speedy passage through this place.

Mr STEGGALL (Swan Hill) — I am disappointed that the Minister for Environment and Conservation has decided not to stay. She was here a few minutes ago. It seems Labor ministers are making a habit of ensuring they are not present when their bills are being debated. It has happened about four times today.

Honourable members interjecting.

Mr STEGGALL — I am merely making the point. Anyone who wants to correct it can do so. It is a pity that ministers do not stay in the house while their bills are debated.

The Water (Amendment) Bill will enable the Wimmera and Mallee catchment management authorities (CMAs), which at present do not have waterway or flood plain management functions under the Water Act, to be given such functions. It will also correct an oversight in the order that established the Lower Murray Region Water Authority.

The issues are simple. Because no waterway management authorities existed in the Wimmera and Mallee regions in 1994, the local catchment management authorities could not obtain waterway and flood plain management functions simply by taking over in the manner of the other seven CMAs. The Wimmera and Mallee CMAs are not authorities under the Water Act. The bill will amend section 98 of the Water Act to allow them to take over the powers and functions of water authorities. The Wimmera and Mallee CMAs will then be able to commence implementing their regional strategies.

The bill also amends section 96 of the Water Act to allow the minister to exempt an authority that submits a proposal to set up a new waterway management district from having to individually notify everybody who may be affected. There are some 45 000 people in the two catchments concerned.

The second part of the bill concerns the order that constituted the Lower Murray Region Water Authority. The order omitted to name several districts that were managed by the Sunraysia Water Board.

Mr Maxfield — Name one.

Mr STEGGALL — I will if you want.

Mr Holding interjected.

Mr STEGGALL — One at a time! They are all in the Swan Hill electorate, so they are in good hands. The jurisdictions that were taken over by Lower Murray Water will be brought under the umbrella of the Lower Murray Region Water Authority to validate the authority's actions in that regard. The bill amends a regrettable oversight.

As the previous speaker said, this is the type of legislation the coalition would have introduced had it been successful at the last election. Our ideas were a little bit different, though. We would have not only given them the ability to carry out their regional strategies and plans but also allowed a catchment management levy to be put on people and properties in the Wimmera and the Mallee.

As I have said in this place before, probably the worst decision the current government has made affecting country Victoria has been to do away with the catchment management levies.

Mr Savage interjected.

Mr STEGGALL — My friend the honourable member for Mildura was not in a catchment levy area, so he probably does not have a good history of battling with salinity and development management in the Sunraysia. I can assure honourable members that the catchment levies were there to ensure that all our communities could participate and show some interest in the battles country Victoria is having with environmental issues.

A government member interjected.

Mr STEGGALL — Yes, I know. We lost the politics, and that was very sad. Bendigo residents have been pouring their rubbish into the electorate of Swan Hill for the past 100 years, but for the first time ever they are going to participate in the clean-up of Bendigo Creek, Kow Swamp and all those waterways loaded with blue-green algae as a result of the nutrients that come down the Bendigo Creek. Bendigo people could not care less, and neither they should. They have not been all that affected!

However, people in the Swan Hill–Kerang region have been effected. We have worked for many years with Landcare to introduce salinity plans into that area and into Shepparton and to get people to understand how the system works. The catchment levy was a mechanism for making the Bendigo community understand and participate in correcting the problems we had to deal with.

The same is true for Ballarat. I must be in a funny electorate, because Ballarat's waterways feed straight into it, too. Ballarat has five catchments because it is sitting on a peak. Two of them — the Loddon and the Avoca, two of the worst and most difficult — come straight into my electorate. Ballarat sits at the top with all its pomp and ceremony, not participating in the salinity or Landcare programs but rather just looking on, listening and blaming. The honourable members from Ballarat in this place pontificate from time to time about all sorts of things, but they never participate in the process.

The catchment levy was designed to help the Hopkins and, in particular, the Avoca and Loddon catchments. I admit that we got the politics of that all wrong. However, one of the worst decisions of this government so far as the management of the land and water in country Victoria goes was doing away with the levy. Politically it was a popular decision. No-one from Ballarat now pays $28 a year to help solve the problems in the Avoca or the Loddon. They just pour their rubbish through, and we have to maintain our management of the catchment to try to correct the problem.

We have had many battles over the years to try to achieve good catchment management. With only small facilities in Kerang, Swan Hill, Echuca and Shepparton we struggled to establish a salinity program. Eventually, after many years of argument and debate in the Murray district and in central and north-central Victoria, we got catchment management bodies. Getting governments, communities and scientists to approach the challenges facing our waterways and streams on a catchment management basis was a huge victory — and we do not want that weakened. The catchment management levy ensured that all the people affected participated and took some interest in the issue.

Honourable members might be surprised to learn that places such as Shepparton and Swan Hill — I do not know about Mildura — had catchment levies imposed along with their council rates. We were able to manage the salinity issues in those regions over and above the level of government participation.

The challenge we now have in keeping communities involved in catchment management is greater than it was when the coalition was in government. People are not paying attention to the same extent.

Mr Howard interjected.

Mr STEGGALL — My little friend from Ballarat East, or wherever he comes from — —

An Honourable Member — From Prahran!

Mr STEGGALL — Prahran? When I see him working for and arguing on behalf of the Avoca and Loddon catchments in his area I will be prepared to listen to him. He might also pay attention to the Hopkins catchment and a couple of others that his people are involved in.

This legislation is something that would have been — —

A government member interjected.

Mr STEGGALL — Okay, all that has gone. We lost, you won. You have done away with the levies and you have changed the catchment management personnel. I do not deny your right to do that; I am sure we would have changed them over if we had got into government in a similar sort of way.

A government member interjected.

Mr STEGGALL — I accept that.

A Government Member — Come on over!

Mr STEGGALL — It is part of winning and managing government.

Mr Nardella — You could say sorry.

Mr STEGGALL — I will not say sorry, for goodness sake — —

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Swan Hill to address his remarks through the Chair.

Mr STEGGALL — I enjoy the battle and the debate! I am more au fait with the Mallee catchment management than I am with the Wimmera.

Mr Delahunty — I'll look after the Wimmera.

Mr STEGGALL — Good on you! The honourable member for Wimmera will look after the Wimmera. In its new guise the Mallee catchment management is

tackling some of the major challenges involved in dryland conservation.

Ms Garbutt interjected.

Mr STEGGALL — Let the record show that the Minister for Environment and Conservation has arrived. I am delighted to see her.

The Mallee Catchment Management Authority faces great challenges in managing the social, economic and environment aspects of that dryland section of Victoria. Its work with phase farming is among some of the best stuff you will find in a long day's march. Through its work with various departments and science-based organisations I hope we will develop better processes to manage our land, our ground water and our native vegetation and gain understanding of the balance that is desired. The work is progressing well, and the management authority is working well with the local community. It is a pity that the community does not have to pay a little levy; however, that has passed.

The minister might remember the debate on the Victorian Environmental Assessment Council Bill and the role catchment management authorities were to play in the council's operations. We do not want VEAC wondering over the top of the good scientific work that is being done there. Honourable members should understand that we are trying to sort out what to do. It is not a matter of saying, 'We know the answer; let's go and apply it'. We have to develop our approach as we go. Some of the trials in the Mallee, the Wimmera and the central districts involving phase farming and ground water monitoring are the most exciting I have seen for a long time.

People are asking what on earth we are getting these catchment management authorities to do. They are being given functions under the Water Act. Good waterway management involves identifying and planning for local and state needs and considering their effect on the economic, social and environmental values of our land and waterways. We also need to develop and implement effective schemes for the use, protection and enhancement of land and water and to investigate, promote and research any matters relating to the functions, powers and duties of management authorities. I hope the minister is listening and thinking about the impact of the Victorian Environmental Assessment Council Bill on private land.

Another function of catchment management authorities is to educate the public about aspects of waterway management. That is a key part of all of this. It is difficult enough to find solutions for country people throughout Australia; it is another thing to get communities in urban areas to assist and participate in the process.

Society attributes a degree of blame with environmental problems. We are very much into blaming farmers and land users and do not approach this issue as a community and a society to the extent that I would like — hence my comments on the levy.

In their flood plain management functions the catchment management authorities will be able to find out how far floodwaters are likely to extend and how high they are likely to rise. Most of the areas have that information now. It will be interesting to see whether the CMAs will want to change those levels.

There have been huge debates on the Murray, particularly on Echuca, which was the first one. Many years ago we really tested the 1-in-100-year flood level, which then became the building level. The height was 1 foot, or 30 centimetres, above that 1-in-100-year flood level. After watching the floods occurring around the world today we sometimes wonder whether, when we do get floods in the Murray again, that will be sufficient.

However, the flood plain management functions will go, and these people will give advice to councils and to governments on that. They will also be able to declare flood levels in flood fringe areas, to declare building lines, to control developments that have occurred or that may be proposed for land adjoining waterways, to develop and implement plans to take any action necessary to minimise flooding and flood damage, and to provide advice about flooding and controls on development to local councils, the Secretary to the Department of Infrastructure and the community.

Taking over a waterway or flood plain management function brings with it quite a few responsibilities. I welcome that. I believe the CMAs are exactly the right place for those functions to be exercised. All the other CMAs have been handling these functions for some time, and the two authorities referred to will now get them for the first time. Each CMA throughout Victoria has a strategy and is working. The strategies are living strategies; they are not just static documents. The advantages society is gaining from the CMA structure are tremendous.

The CMAs will always be a challenge to government. In the last four years of the previous government I sometimes had differences with the minister, as people wanted to give statutory functions to the CMAs. That is being done today. The authorities really have a major

role of becoming a top advice stream for the minister. I respect their role and hope that now that they do not have the levy they will be able to maintain that advice stream. The worst thing that could happen to the CMAs would be for them now to become a de facto part of the Department of Natural Resources and Environment. It is very important that that does not happen.

I appreciate that there are not many people within the government ranks who understand the CMAs and what they are there for, the land use and the challenges involved and the methods a lot of us have been trying to implement since the days of Joan Kirner, Rob Jolly and Evan Walker, when salinity plans were created as a bipartisan approach to ensure that something was in place to manage the problem that would not change with a change of government. That was the test, and that was the aim with the salinity plans. We succeeded with those. The catchment management authorities have come on as the next generation.

That is the issue as I see it on the CMAs. I wish them both well. The Mallee CMA faces exciting challenges, and I applaud it for the way it is tackling them. I hope it will continue to do so, and I am sure it will under these new arrangements. It has a new chief executive officer and has settled down after the changes. It will continue to involve its farming base, its communities and its land managers to create the advantages that are demanded of them.

The other part of the bill is interesting. It relates to the Lower Murray Water area where, if I remember rightly, the water districts of Nyah, Nyah West, Woorinen South, Murrabit and Koondrook were left off. They are now being added to the Lower Murray Water area as if — and this is one of the strange things parliaments do from time to time — they were always there, making everything that they did legal. I am pleased about that. That has to be done, because sewerage and water have been connected in most of those places, and it would be awful to think that they were illegal acts that would have to be undone. I am pleased that the order that was lacking in the districts covered by Lower Murray Water is being restored.

There is only one further issue I wish to raise. I have raised it recently with the minister in an adjournment debate, but I will mention it again. It relates to the sewerage schemes that were put in place and the promises — once again — that came out of the election campaign. The government said it would lower the contribution from $2500 down to $800, in the case of Koondrook — and it did. The government went about refunding those people who had paid.

Unfortunately in many cases — I think there are 15 cases in Koondrook alone — the people who actually paid the levy were not the people who got the refund because the properties had been sold in the meantime. Although the minister has corresponded with me and has put the legal case to me, I still believe the morals of the issue are wrong. I would like to think that she might consider it, although I do not suppose she will now. I believe the decision she made caught not the wealthy people who could afford to pay the $1700, or whatever it was, but mainly aged pensioners who were selling off second blocks and what have you as the sewerage went through.

The National Party supports the proposed legislation. Its members wish it well on its path and hope the advantages being gained through the CMA structure and the principles that have been in place since the 1980s, when the salinity plans were commenced, will be advanced further, particularly in the Mallee and the Wimmera, so that the work that has been done will be able to be improved.

Mr HOWARD (Ballarat East) — It is with great pleasure that I speak on the Water (Amendment) Bill. It is a significant bill in that it overcomes two anomalies this government inherited with the Water Act. Those anomalies were that the Wimmera and Mallee catchment management authorities (CMAs) did not, as part of their charter, have the function of waterway and flood plain management. The proposed legislation, in response to feedback from those CMAs, which have been working with their communities, recognises that and acknowledges that they have an important role to play in establishing waterway and flood plain management plans. The proposed legislation will correct that shortcoming of the earlier legislation and enable the CMAs to perform that role.

As we have heard from the honourable members for Monbulk and Swan Hill, the bill also overcomes a second anomaly that relates to the Lower Murray Region Water Authority, which was constituted without recognising some of its water districts and which has technically been covering areas it did not have a mandate to cover. The bill corrects that problem.

At the outset I want the house to know that this government is very supportive of catchment management authorities, and that is the central point of this legislation.

An honourable member interjected.

Mr HOWARD — We certainly are putting our money where this is! Although I do not want to say a

great deal about catchment management levies, which the opposition has talked about in this debate, Labor and the people of Victoria recognised that the former government took a two-faced approach whereby it was substantially cutting the budget for the Department of Natural Resources and Environment while it was introducing a levy on people across the state. The reason for the levy was poorly explained to them and they rejected it when they recognised that the government was not providing DNRE with appropriate funding to support the important work of catchment management authorities.

Quite correctly, the Bracks government has abolished the levy as it promised it would do and is funding the catchment management authorities out of general revenue money, which is the way that catchment management authorities should always have been funded.

I will correct comments made by the honourable member for Monbulk where he drifted off from the Wimmera–Mallee region to speak about the West Gippsland Catchment Management Authority. He said the government was not supporting the West Gippsland CMA with the important works that it wished to undertake. Since coming to office the Bracks government has increased funding for the West Gippsland CMA by $631 000. It has also provided additional funding of $270 000 for waterways projects in that area. In addition, the Bracks government has in a special initiative in the Gippsland area provided $1.9 million through the 1999–2000 Gippsland Lakes rescue package. So to correct the honourable member for Monbulk — no doubt the honourable member for Narracan may wish to add to these comments — this government has recognised that there is significant work to do in West Gippsland, as there is in all our catchment management authority areas, and has provided substantial support through significant amounts of funding.

Certainly the minister, many other government members and I have talked with our local CMAs and others across the state about works that they are doing. We have taken a great interest in the terrific works that are taking place in Victoria. On numerous occasions I have met with the three catchment management authorities in the electorate of Ballarat East — North Central, Glenelg–Hopkins and Corangamite — and I have observed many of the great projects that they have undertaken as well as their flood plain management projects and so on. They have worked with municipalities, Landcare groups and many other groups to undertake some terrific projects that are endeavouring to clean up our waterways. In addition, and whether it be in the City of Ballarat or further down the catchment area, they also provide parklands, areas that can be appreciated by communities along the way. We recognise that they are doing a great job.

I fail to understand the hypocritical approach of the honourable member for Monbulk, who attacked the government for the way in which it made new appointments to the catchment management boards. However, he recognised that we had set up independent panels — a very new initiative. Under the former Kennett government, whether it was establishing catchment management authorities, water boards, hospital boards, university boards, community health centre boards — you name it — when was an independent panel established to look at the former government's appointments to those boards? It never happened! They picked their political mates and put them on boards. This government recognised many of those people as making significant contributions and about 50 per cent of those were returned to the catchment management boards along with some other very capable people appointed by this government. We look forward to working with them in the years ahead to continue with their important work. But clearly some important work was done through the involvement of independent panels, members of the Victorian Farmers Federation and a broad group across the community who provided feedback to the government.

The government will be supporting the great work to be undertaken by catchment management authorities. They have some great challenges ahead, as the honourable member for Swan Hill outlined. I certainly wish the bill a speedy passage and look for further support for CMAs in the future. I commend the bill to the house.

Mr SAVAGE (Mildura) — I support the Water (Amendment) Bill on the basis that it corrects some flaws in the previous legislation — obviously oversights — which will enable the Wimmera and Mallee catchment authorities to carry out integrated waterway and flood plain management functions under the act. It will also enable the minister to exempt an authority from notifying every individual who may be affected by a proposal to set up a waterway management district. It will rectify the errors that occurred in the 1995 order which did not clearly define the area of the Lower Murray Region Water Authority.

It is interesting to note that all of the issues that relate to the bill affect my electorate and very few others. There are nine catchment management authorities (CMAs) in Victoria and seven of those carry out integrated waterway and flood plain management as the major

component of their functions. Two of those, Wimmera and Mallee, were not included in the Water Act and therefore could not come under the control of the minister who could not appoint them to perform catchment provisions. That occurred in 1994. Until now, those two authorities, which are operating, had limited powers.

Clause 4 exempts the authorities from the requirement to notify every person affected when a decision is made to set up a new waterway management district. There will however be a requirement for councils and the CMAs to perform the necessary notifications in the *Government Gazette* and newspapers.

The Wimmera and Mallee CMAs support the bill and I believe they support the provisions that allow them to carry out integrated waterway and flood plain management. There is an illusion held by some that because it is the Mallee we do not have any waterways. There are significant waterways in the Mallee, especially adjuncts that link to the Murray River and particularly Lindsay Island and those areas.

The Wimmera CMA will be provided with $500 000 in funding and the Mallee $400 000 to be set aside for spending on these functions. I understand that they are satisfied with those provisions.

In my brief contribution I would like to commend both the Wimmera and Mallee CMAs which are performing very important works in the region, and specifically the Mallee CMA under the chairmanship of Joan Burns. I commend the bill to the house.

Mr PLOWMAN (Benambra) — The three parts of the bill are the enabling legislation to allow catchment management authorities to be appointed as authorities under the Water Act, which will overcome the problem identified by the honourable members for Swan Hill and Mildura, the opportunity to exempt an authority from having to notify every person who may be affected by the proposal to set up a new water management district, and the correction of an oversight in the order that established the Lower Murray Region Water Authority.

In respect of the legislation enabling catchment management authorities to be appointed as authorities under the Water Act, section 186(1) of the act states:

> An authority must not exercise its functions under —

and the functions are waterway management, regional drainage and flood plain management —

> outside its district, unless the Minister approves otherwise.

I would have thought that gives power to the minister to bring about that appointment. I equally recognise that introducing the legislation is a much cleaner way of doing it. It is prescribed in this legislation, but I believe that if you wanted to do so you could use that section to introduce these two water districts.

I was a little concerned about the provision in the bill that is designed to exempt an authority from having to notify every person who may be affected by a proposal to set up a waterway district, so I thought I would look at schedule 12, which lists all the waterway districts in the state. There are 30 of them. In my area there is the Black Dog Creek management district, the Kiewa River management district, the Mitta Mitta management district — —

An honourable member interjected.

Mr PLOWMAN — But you haven't got as many in your area. There is the Ovens River management district and the Shire of Upper Murray River management district. It then dawned on me that every inch of my electorate is covered by one of these water management districts, so I thought I had better have a look and see what actually happens with the appointment of the authority to manage a waterway management district. As well as the basic management of regional drainage and flood plain management, which the honourable member for Swan Hill discussed in some detail, there is waterway management, which I think is the interesting one.

Section 188(1)(a) of the principal act gives an authority the power to declare a waterway or any part of a waterway within its district to be a designated waterway and to declare any of a number of works within a district to be designated works and land to be designated land. The works can be any works or part of any works in or over which water occasionally flows, whether in a defined, naturally occurring channel or not — which really means almost anywhere in a catchment area. The discretion is very broad.

Section 193(1) provides that an authority may close permanently or for a specified period the access of people, animals or vehicles to the whole or any part of a designated waterway or designated land or works. That means the power the authority has over private land under the legislation is great, and what the relevant clause of the bill is saying is that it will not be necessary for the authority to actually notify all the landowners that these districts are going to be introduced.

In this case I do not think it is a particularly onerous problem because everyone in the Mallee and Wimmera

who is interested in the subject will know they are the only two areas where there is not a defined waterway management district and that this legislation is designed to introduce such districts. When I talked to members of the Victorian Farmers Federation about this, they raised their concern about the danger that this could be used as a precedent for the further introduction of waterway management districts or to change the designated areas of the waterway management districts without notifying all landowners. The original act quite clearly states that every landowner that had the potential to be affected by the introduction of a waterway district should be notified.

As I said, the act provides that the authority may close permanently or for a specified period the access of people, animals or vehicles to the whole or any part of the designated waterway or area. That area, as I said before, could be anywhere where water runs occasionally. Hopefully, that is the way it will continue to run. I thank the honourable member for Swan Hill for his advice. It is very helpful.

It is of concern to me and was certainly of concern to the Victorian Farmers Federation that the requirement for notification should not be watered down in the future. This action should not be used as a precedent for the exemption from the requirement for notification of any future change to waterway management districts. Any inclusion, any change of area should revert back to the original requirement, which is clearly stated in the act. People in an area that will or may be affected should be notified so that they know what is happening and that they have the opportunity to take the matter further.

The can do that under section 188(4), which states that a person whose interests are affected by a decision of an authority to make a declaration under the relevant subsection may apply to the tribunal for a review of that decision. They have the power, if they are notified, to say, 'This is going to have an adverse impact on my land and on my business', and therefore they have the power to seek a review of that decision. That is in the principal act very sensibly to ensure that landowners are given that protection. I again make the point that both sides of the house accept and support the proposed legislation, but the exemption from the requirement to notify all landowners must not and should never be used as a precedent in the future declaration of other waterway areas.

The sad thing is that the legislation really reflects on the difficulty these catchment management authorities are going to have in doing the jobs they have been given because of their reduced financial capacity. The rating base they had prior to the election has since been taken away from them. In north-eastern Victoria, my area of the state, and in Gippsland we had the power to rate through river improvement trusts for 30 years or more. We grew totally used to the fact that that was a sensible way of getting in the funds needed to manage those streams and rivers. People were delighted with the subsequent opportunity to put a levy on all landowners to carry out that work.

In my electorate for the first time people in the Rural City of Wodonga — it was about 40 000 people — were rated to help look after the streams, rivers and catchment areas that feed into the Murray River, which runs right through the middle of Wodonga. For the first time they had the opportunity to contribute. I can tell you they appreciated that, although they did not appreciate the first bill that came in.

The ACTING SPEAKER (Ms Davies) — Order! It is the rule of this house that honourable members do not wander between the Speaker and the person on their feet.

Ms Asher interjected.

The ACTING SPEAKER (Ms Davies) — Order! That was an unnecessary interjection. It is a rule of the house that honourable members do not walk between the Speaker and the person on their feet.

Ms Asher interjected.

The ACTING SPEAKER (Ms Davies) — Order! If the honourable member for Brighton would like me to get the Speaker, I am happy to do that and she can dispute that ruling, but it is my understanding that it is a longstanding custom. It is also a longstanding custom not to argue with the Chair.

Mr PLOWMAN — If I could continue, the point I was making — —

Honourable members interjecting.

Mr PLOWMAN — The point I was making, and it is a point the honourable member for Melton, who is interjecting, might not even comprehend, is that these levies were accepted by the whole community once people understood why the levies were introduced. It was an opportunity for those people to contribute to environmental management. The government always talks about this, but what is it actually doing about it? It is taking away the opportunity for the people in my electorate to contribute to environmental management. That is one of the silly, detrimental mistakes that this

government made in respect of environmental management when it came to office.

Mr Howard interjected.

The ACTING SPEAKER (Ms Davies) — Order! I ask the honourable member for Ballarat East to cease interjecting: as has been said, he has had his say.

Mr PLOWMAN — Catchment management authorities have proved their worth. They are working well, but they need to be given the teeth and the finances to do the job they have been put in place to do.

An opposition member interjected.

Mr PLOWMAN — That is an excellent point, because in each of our electorates — I am sure the honourable member for Seymour would agree — the catchment management authorities are highly respected for the jobs they do. The catchment management authorities have worked well with members of Parliament on both sides of the house, as the honourable member for Narracan would agree. They have enlisted our support and given us advice about issues on which people have come to us so we can refer those issues back. It is a sad reflection on this bill, which should be incorporating the levy system to allow that environmental management to continue and to be optimised. The decision has been a loss for the environment.

The other environmental management issue that we need to get right is the one coming up in respect of the farm dams review which is before the state government and the minister at the table. I ask the Minister for Environment and Conservation to release the report as soon as possible, because everyone in Victoria who is interested in this issue wants to know what the Blackmore committee report says and what its final recommendations are. That will impact on catchment management authorities across the board because they will have a responsibility in respect of the major recommendations of that report. I hope the minister will release that report as soon as possible, because there is enormous interest in it. People want to know about the recommendations so we can comment on the report and help the minister and the government come to the right decision about this matter. This is probably one of the most vital environmental issues before the government at the moment. The decision made about this issue will reflect on the whole of environmental management right across the state for many years to come.

This bill directly pertains to the Mallee and the Wimmera. One of the best and most sensible environmental measures taken in recent years is the piping of water into the Mallee and Wimmera. The system uses water to best advantage and saves an enormous amount of water, but more importantly, environmentally it is one of the best measures we can take to reduce the amount of water exceeding the water table and creating problems which the honourable member for Melton might not be aware of. Those rising water tables have caused significant problems in many areas of the Mallee. I am sure the honourable member for Mildura would be aware of the areas of concern to many of his constituents.

Before I close I would like to return to the levy situation. In the United States of America they have what are called soil conservation districts, which are run in a similar manner to catchment management authorities in Victoria. They have the power to hire and fire. They are local committees staffed by local people; they are not run by outsiders. They have the right to run all of the issues that the catchment management authorities have here and to levy farmers and landowners within their area. That is the sort of levy we had before it was taken away by this government.

The government could learn from the way the soil conservation districts work and the job they have done. Those soil conservation districts have been running for about the past 50 years. When I was a member of the Soil Conservation Authority in Victoria they were an example for us when we were introducing group conservation schemes. The levying scheme was something we thought would be one of the best measures that we could introduce so local people would have ownership of the conservation and environmental programs in their areas. The removal of those levies is the greatest environmental mistake this government has made since it came to power.

Mr MAXFIELD (Narracan) — I rise at this late hour to speak on the Water (Amendment) Bill. The bill will allow the two catchment management authorities (CMAs) that do not have flood plain and waterway management functions under the Water Act to gain these powers. The bill also fixes an oversight in the order which established the Lower Murray Region Water Authority.

Flood plain management is an important part of the catchment management authority service. That management practice is provided by seven out of the nine catchment management authorities and it is an integral part of the function of those authorities. I have noted from speakers on both sides of the house that CMAs have a very strong and important role to play within our rural communities. It is fair and just that the entire community foot the cost of these catchment

management authorities. Government commitments recognise that fact.

The ACTING SPEAKER (Ms Barker) — Order! I ask members who wish to carry on conversations to leave the chamber. The honourable member for Narracan, without background conversation.

Mr MAXFIELD — The honourable member for Swan Hill made some reasonably sensible comments about the CMAs. Unfortunately the same cannot be said for the honourable member for Monbulk, who engaged in the most appalling tirade of ridiculous rubbish I have ever heard. In fact, it was worse than that because it was plain dishonest. I do not think members of this house should have to listen to rubbish and lies of the sort that came out of the mouth of the honourable member for Monbulk.

He diverged from the issue of the Mallee and the Wimmera. This bill is geared for the CMAs in the Mallee and Wimmera; that is what we are talking about. I personally have a strong background in that area, and many members of my family live in the Mallee. It is a place I have a great love for and I know that the protection of that region by the CMA is something we all look forward to.

The honourable member for Monbulk also strayed onto some of the other CMA issues. He commented on the West Gippsland CMA and tried to tell the house that there had been some cutbacks in the funding of that authority since the Bracks government came to power. If I heard him correctly he suggested that about $600 000 had been removed from the authority's funding. That is clearly not true. It is deceitful and dishonest to make that statement. In fact, the West Gippsland CMA has received an increase in funding of over $600 000 since the Bracks government came to office. The West Gippsland CMA has also received $270 000 in funding on top of that increase for waterway project works.

I think where the honourable member got it wrong is that he misunderstood the fact that the CMA has changed the activities it carries out. It is no longer undertaking some activities it formerly did, but is carrying out other duties. That is the full story: additional funding from the Bracks government is being put into Gippsland.

Honourable members should look at the extra money that has been put into the Gippsland Lakes by the West Gippsland CMA to assist its tremendous work. Looking further afield one comes to the Snowy River, where $150 million of state government money has gone into a management project. I pay tribute to some of the workers, including Ross Scott, who was previously with the West Gippsland CMA. He has done a great deal of river management work. Ross has gone on to better things: he is working on the Snowy, where his talents are much appreciated. I look forward to that talented man continuing his work.

I am pleased to hear that opposition members support the bill. It recognises the realities of today, including the fact that CMAs are being funded as they should through the taxes paid by all Victorians rather than through the unfair levy imposed by the Kennett government, which was typical of its out-of-touch attitude to the people of rural Victoria. Everybody should wear the cost of the environment, not just country landowners. Sadly that was the view of the former out-of-touch government. No wonder opposition members are starting to apologise. I commend the bill to the house.

Mr DELAHUNTY (Wimmera) — I welcome the opportunity to speak on the Water (Amendment) Bill, particularly as it covers the Wimmera Catchment Management Authority. As previous speakers have outlined, the purpose of the bill is to enable the Wimmera and Mallee catchment management authorities (CMAs), which at present are without waterway and flood plain management functions, to be made authorities under the act. The bill also corrects a minor oversight in the order that established the Lower Murray Region Water Authority.

It is important that the bill proceeds. Because no waterway management authority existed within the Wimmera and the Mallee regions in 1994, the catchment management authorities could not obtain waterway and flood plain management functions simply by taking them over in the manner of the other seven CMAs.

The Wimmera and Mallee CMAs are not authorities under the Water Act, so the bill amends section 98 of the act to allow them to take over the powers and functions of a water authority. As outlined by the honourable member for Swan Hill, the bill will also amend section 96 of the act, allowing the minister to exempt authorities from having to individually notify everybody affected by a proposal to set up a new waterway management district. That is important, given that there are some 45 000 people in the two catchments.

The Wimmera Catchment Management Authority covers a large area of my electorate. Its mission is to ensure the sustainable development of natural

resource-based industries, protect land and water resources and conserve the natural and cultural heritage of the Wimmera catchment region. It is an appropriate mission statement.

Under the former chair, Lance Netherway, and the current chair, Ms Jo Bourke, the Wimmera CMA is doing a lot of good work in the region, which even the honourable member for Mildura highlighted in his speech.

Mr Savage interjected.

Mr DELAHUNTY — I was just giving you a bit of a plug. You don't get down that way very much.

The Wimmera CMA covers close to 30 000 square kilometres, which amounts to about 13 per cent of the area of Victoria, and has a population in excess of 43 000. It is a big area! Natural Heritage Trust funding for the region in 1999–2000 realised an overall increase of $806 000 over the previous year. The federal government invested $2.16 billion, which is an enormous boost, and the authority is grateful to the federal government. The state government invested $420 000.

The Wimmera CMA has overseen the commencement of the waterways works program. It secured $250 000 for the completion of the water resources management plan for the Upper Wimmera, Avoca, Avon and Richardson rivers. I know the honourable member for Ripon is interested in the area because it is in his electorate, and some of the proposed developments have caused great controversy given the impact on the water coming down the Wimmera River to places like Lake Hindmarsh, which is dry at the moment, and Lake Albacutya. That lake has been dry for about 25 years but it would be good to see it fill up in the next year or two.

The Wimmera CMA also oversaw the completion of major urban stormwater projects that are important in making sure that nutrients and other problems do not go down the river. It distributed $180 000 to Landcare groups for that purpose. It also completed a Wimmera roadside management strategy in cooperation with the councils, and it is continuing to develop a draft Wimmera native vegetation plan. The plan is controversial, but it is important that the CMA involves the whole community in it. It also reviewed the regional catchment strategy in January 2000, which important process is continuing.

One of Wimmera CMA's real highlights was the success of the Wimmera 20/20 agribusiness dinners that were held during the year. They were attended by people from right across the region and culminated in awards being made to the region's young agriculture business achievers. Many young people are doing great work in the area. Wimmera 20/20 wants to say to the young generation that there are great opportunities in the Wimmera. Wimmera 20/20 and other state forums have provided the opportunities to do that. Catchment tours continue to highlight the vast natural resource base of the Wimmera region.

Some of the challenges the Wimmera CMA faces in the future include continuing to implement waterway, flood plain and rural drainage management strategies for the region.

We know from the principal act that the function of flood plain management is to discover how far floodwaters are likely to extend and how high they are likely to rise. Given that the Wimmera lakes are currently holding about 12 per cent of their capacity there are major problems supplying water to stock and for domestic use. I hope the Wimmera Catchment Management Authority can do some work on that problem, so we can get a large amount of water. The flood management plans have been carried out.

One challenge is to review the implementation of the Wimmera salinity management plan, which many people are concerned about. It is a major topic around Australia. It is impacting on the development of the Wimmera, and it is important this plan proceeds. Another challenge is to complete the whole of the region water quality strategy. Before the honourable member for Seymour talks about it, I point out that Lake Wallace in Edenhope is in dire straits in terms of the amount of water in it. The lake has major salinity problems. I call on the minister to help the water authority to proceed with the desalination plans because the water in the lake is of poor quality and the authority is having to use bore water, which is also very saline.

Other challenges for Wimmera 20/20 are to implement a state government rural and regional strategy and for the Wimmera CMA to establish a waterway management authority status. The authority will be pleased to see the passage of the bill through Parliament so that can happen and to enable it to complete and implement a water resources management plan for the region.

I am happy to support the bill and highlight some of the achievements of the Wimmera Catchment Management Authority. I wish the board and staff all the best for the future.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Water (Amendment) Bill. The honourable member for Wimmera alluded to the new Wimmera Catchment Management Authority. It is dear to my heart, because I lived for three years beside Lake Wallace. Although it is a lovely lake it has had a few problems. I can remember blue-green algae was in the lake at one time, and because we could not use the water from the lake we had to go to the local caravan park to have showers. That was not a pleasant period. Even when the lake does not have blue-green algae in it the water has a stench about it, so whenever we visited the in-laws in Ballarat they knew we were coming because our clothes and hair — —

The ACTING SPEAKER (Ms Barker) — Order! I remind the honourable member for Ivanhoe not to walk between the Chair and the member on their feet.

Mr HARDMAN — Our clothes and hair smelt like Lake Wallace. As the honourable member for Wimmera has said, there are salinity problems at Lake Wallace. As the honourable member suggested, those salinity problems could be solved by a desalination plan. If we look after our environment better and have a good catchment management authority in place for a long time, we may be able to prevent salinity problems from occurring in the lake. That needs to be considered seriously now and in the future.

In the electorate of Seymour, the Goulburn-Broken Catchment Management Authority is an excellent body. I know there was some discussion about the changes to the boards of catchment management authorities, but to my knowledge any changes that occurred would have been either minor or reflective of the expertise of those people coming onto the boards and those leaving them. So far as I know there was no political interference whatsoever with the boards, which is great.

I have had a fantastic relationship with the catchment management authority since I have been a member of Parliament. I was a strong advocate of the authority when the government first came to office. I advised the minister that catchment management authorities are doing a fantastic job and that we need to leave them in place. They operate independently of the Department of Natural Resources and Environment, and people have told me that they are not as bureaucratic and that they get the job done on the ground. Catchment management authorities are important for our waterways, environment and lifestyle.

The catchment management authority has developed great wetlands at Yea. Planting is being done in recharge areas, which I suppose will ultimately affect the people in Mildura, because the water from those recharge areas will go down into the Goulburn River and then on to the Murray River through to Mildura. The catchment management authority is doing that work through the Landcare grants coming from this benevolent government.

People living in Kilmore, for example, did not understand why they should be paying a levy to a catchment management authority to look after the environment when a person who lived in Craigieburn or Brighton, for example, did not. It is better that the whole state has ownership of catchment management by providing funds for catchment management authorities. I commend the bill to the house.

Mr VOGELS (Warrnambool) — I will make a brief contribution to the Water (Amendment) Bill. It is intended that the bill will do a couple of things — firstly, correct an oversight in the order that established the Lower Murray Region Water Authority; and secondly, correct the anomaly whereby the Wimmera and Mallee catchment management authorities (CMAs) do not have waterway and flood plain management functions. The Wimmera and Mallee CMAs will now join the other catchment management authorities set up by the previous government. These two authorities will now be able to provide waterway and flood plain management services and commence implementation of the regional strategies.

The state of our rivers, lakes, wetlands and streams and how they are managed is critical to the health of Victoria. While country Victoria is rich in natural resources, over the years degradation caused by pest plants and animals, loss of habitat, dryland salinity, erosion and nutrients in waterways have had an enormous impact on our environment.

There are two CMAs in the electorate of Warrnambool that provide leadership. They integrate the roles of the community-based advisory and service delivery groups for their respective management areas. Since coming to power the Bracks government has expanded the responsibilities of the CMAs and abolished the levy. The CMAs are now funded with an allocation from the state budget.

The ACTING SPEAKER (Ms Barker) — Order! I am sorry to interrupt the honourable member for Warrnambool. However, I remind all honourable members that they should not walk between the Chair and the member on his feet. The issue has been raised a couple of times this evening, and I ask all honourable members to adhere to the direction.

Mr VOGELS — I am also concerned about the top-down approach of those authorities, which will cause them to lose contact with their grassroots. When the finances of each authority depended on a levy, the stakeholders felt they had some ownership of the projects. I agree with the honourable member for Benambra, who said that if you put money in you feel you have more ownership and should have more say in what is happening. When you rely on state government funding you are more beholden to the wishes of the bureaucrats.

Ongoing finance is also a concern. If you examine the annual reports of the various catchment management authorities you will find a general comment that they have ended the year in a strong financial position. However, it must be recognised that there are large budget commitments to projects yet to be completed. Each report will usually go on to say that that solid position is largely due to the carryover of unspent tariff revenue collected in the 1998–99 financial year.

The government has provided funding at a reduced level compared with what was collected through the levy, but I believe funding should be maintained at the original tariff. With their increased responsibilities and large workload the authorities will find it difficult to keep up their standards.

The CMAs do an excellent job. The Corangamite CMA does many things, but I will refer to only a few, including waterways health improvement, farm effluent management, revegetation, a commercial firewood wood lot project, a Soil Smart program, farm forestry, and native grassland management — and it even got stuck into the rabbits! One of the most important issues is weed control. The management authority implemented a gorse control strategy, a south-west integrated ragwort program and a Corangamite integrated serrated tussock program. The authorities have a lot on their plates, and the government must remember that they will require adequate funding.

In conclusion, I congratulate the Glenelg–Hopkins and Corangamite CMAs for the tremendous work they do in the Western District. Much needs to be done, and they do their best with limited finances. Giving the Wimmera and the Mallee their own CMAs is a great step forward, so they will benefit from the legislation. I commend the bill to the house.

Ms ALLAN (Bendigo East) — At this late hour I am pleased to join the debate on the amendments to the Water Act. As has been outlined in great detail, the bill focuses on two main issues. Firstly, it allows the Wimmera and Mallee catchment management authorities (CMAs) to implement waterway and flood plain management strategies; and secondly, it amends the Water Act to retrospectively transfer districts to the Lower Murray Region Water Authority.

I will direct most of my attention to the first matter — the CMAs. In her second-reading speech the Minister for Environment and Conservation referred to the abolition by the Bracks government of the catchment management authority taxes. The Bracks government made a clear commitment on that in the lead-up to the last election. It was a significant issue for many country people, who felt that a tax levied only on country Victorians was unfair. The former government did not fully understand the outrage felt by many country Victorians over that hated tax. It was interesting that the honourable member for Swan Hill invoked the memory of a tax that caused great angst across country Victoria.

Through the Minister for Environment and Conservation, the Bracks government is properly funding catchment management authorities. It does not see them as the responsibility of only one section of Victorians but as bodies that should properly be funded through general revenue.

To bear that out, in 1999–2000 the government funded the state's catchment management authorities to the tune of $14.3 million to replace the hated tax forced on country Victorians by the Kennett government. The government is continuing to provide $7.8 million through the Healthy Waterways initiatives. The government believes that catchment management authorities are critical to revitalising the waterways of rural and regional Victoria and that it is important that they are adequately funded — although not through a cruel tax on country Victorians.

I turn briefly to the new waterway and flood plain management functions for the Wimmera and Mallee catchment management authorities. I had the opportunity to chair the Bendigo regional fisheries management plan steering committee. A representative of the North Central Catchment Management Authority is on that committee. One of the important things that will inform the fisheries plan is the work done by the CMAs. Soon to be established is a steering committee that will also introduce a fisheries plan for the Wimmera area.

The work carried out by the Wimmera and Mallee CMAs on waterway and flood plain management will instruct that fisheries plan. That again highlights the important work done by the Victorian catchment management authorities. I am pleased to have

contributed to the debate, and I commend the bill to the house.

Mr SPRY (Bellarine) — The Water (Amendment) Bill tidies up anomalies in the allocation of waterway and flood plain management functions in the Wimmera and Mallee districts.

Since the Labor government removed the CMA levies for short-term political gain, which the honourable member for Bendigo East has just been talking about and as the honourable member for Benambra remarked in his contribution, there are now no direct financial issues at stake as far as landowners in the catchment areas are concerned. In contrast to that I point out to people in the metropolitan area that they still pay a financial levy to Melbourne Water. They are entitled to ask why they do not enjoy the same treatment as their country cousins at the hands of the Bracks Labor government.

Waterway and flood plain management services are vital components of CMA functions. The Corangamite catchment management area is currently under severe stress because of below-average rainfall over the past four years. The Moorabool River is dry, despite recent rains, and the Barwon River is showing similar signs of stress, with intermittent algal blooms due to stagnating water and insufficient flows. The Lake Connewarre system in the lower reaches of the Barwon River is silting significantly, with potential for damage to the biota of the system.

For these reasons the attention of the people in my region is focused on water, both the harvesting and the catchment management of it. At present it is even more closely focused as a result of continuing water restrictions that have now been in place for some years.

By coincidence I hosted a dinner this evening with water re-use as the topic for discussion. Vintners and other industry participants attended and were addressed by the general manager of Scotchmans Hill Winery, Matthew Browne. Scotchmans Hill is in my electorate. Mr Browne is an increasingly well-respected authority on water reuse issues and Scotchmans Hill is a pioneer of water reuse in the Geelong region, harnessing water resources made available through the Portarlington system. The discussion had direct relevance to CMAs and the sorts of innovations they, as well as the water authorities themselves, can encourage.

The fact is that water issues must be considered in a holistic way. No one part of the equation can be considered in isolation. Government and stakeholders, including CMAs, must work together to meet community expectations and industry demands.

So far as water reuse is concerned, Barwon Water and, perhaps more importantly, Melbourne Water through its western treatment plant at Werribee, have enormous potential to relieve stress on catchments in drought years. The percentage of water reused at Black Rock is still very small. Melbourne Water's western treatment plant is attempting to reach a target of some 20 per cent of available capacity. Both, however, still have a long way to go to maximise potential.

Compared with Dubai in the United Arab Emirates, which I visited in January and which recycles 100 per cent of available water, we in Victoria and Australia have hardly scratched the surface. When the three big challenges of technology, capital deployment and legislative empowerment have been fully addressed, the potential effect on agricultural production in particular will be enormous in the Geelong region.

The government has just released details of the region's green industry probe into this potential — a program initiated, I might add, by the former government. I trust that report will not moulder in the bottom drawer of the minister's desk and that we can begin to realise the enormous potential of the sleeping giant that lies there literally waiting to be tapped and fully exploited.

Ms GILLETT (Werribee) — It is my privilege to add briefly to the debate on the Water (Amendment) Bill and talk about the government's election platform and the promises it fulfils in the bill.

The government promised to replace the catchment levy with government funding, and the bill provides for that. It is the view of the government that it is materially unfair to charge property owners for problems in our catchments that are the result of a previous culture of ignorance and mismanagement. The management of Victoria's catchment areas is for the benefit of all Victorians and is a statewide responsibility. Consequently, these activities should be funded from the Victorian state budget. As a result the government proposes, by virtue of this bill, to replace the catchment management levy with government funding.

The government is to be congratulated not only on having the foresight to recognise the need but also on promising it and then delivering on it. The congratulations are due to an excellent minister and an excellent government. In 1999–2000 the government provided $14.3 million to CMAs to replace the tariff that had previously been collected. This figure included the $1.4 million for one-off costs associated with the

abolition of the tax. That did not include the Wimmera and Mallee catchments, since at that time they were not collecting the tariff, although they were planning for the collection of the tariff in future years.

The funding profile for the tariff replacement funds has taken into account the need to provide for the Wimmera and Mallee regions in future as they start to implement their integrated floodway management programs.

In 2000–01 tariff replacement funding will continue, but will include a further $500 000 to be allocated to the Wimmera Catchment Management Authority. Further funding will be provided in 2001 and 2002 to the Mallee Catchment Management Authority.

The government is continuing to provide $7.8 million through its Healthy Waterways initiative in addition to the tariff replacement funding. As well as these specific programs, the government has shown a commitment to restoring flows in the Snowy River. The Victorian government is contributing $150 million towards a total of $375 million.

The government is putting its money where its mouth is, and where its environmental future is. This represents the largest project ever undertaken to restore Australian rivers. With this total level of funding the government has demonstrated its commitment to improving the health of our rivers and catchments.

In conclusion, I add that the Port Phillip Catchment and Land Protection Board is one of the largest Victorian catchment management authorities. I will be just slightly parochial and say that my community thinks it is incredibly important that the Werribee River and its catchment area are regarded as separate and distinct from the Port Phillip catchment management authority. We look forward to our discussions with the minister, during which we will indicate the importance of the Werribee River having a discrete catchment management authority. We hope we can make sure that the western suburbs are regarded as an area of critical environmental impact for the Victorian community as a whole.

Mr MULDER (Polwarth) — I support the Water (Amendment) Bill. The main purpose of the bill is to amend the Water Act of 1989 to enable the two catchment management authorities (CMAs) that do not have waterway and flood plain management functions under the act to be given those functions and to correct an oversight in the order that established the Lower Murray Region Water Authority.

An Honourable Member — What about the Otways?

Mr MULDER — Yes, the Otways will certainly be mentioned in this contribution. I assure you I could not leave out the Otways!

There is no doubt that from day one CMAs have had to undertake an incredible public relations exercise to explain what they and their charter were about. In the early establishment phases of the CMAs it was thought that they looked after streams and lakes, but as we now know their role and functions go beyond that. The work the CMAs will do will result in improving the health of our lakes, streams and rivers.

You only need to look at the vast area covered by the Corangamite catchment authority to gain an understanding of the implications of some of the activities that take place in that catchment and the resultant run-off that can affect its waterways. Those activities include logging in the Otways, dairy farming throughout south-western Victoria, sheep and beef farming, all types of intensive grazing, and plantations. Each and every one of those activities in some way or another has an impact on the catchments.

The work carried out by the CMAs through various Landcare groups in the Corangamite area is to be commended — for example, the establishment of litter traps that run into Lake Colac. Ian Kiernan visited us recently to assist us with a clean-up. No doubt we will soon be knocking on the minister's door to ask for funding to help with the clean-up of beautiful Lake Colac. Other work undertaken with Landcare groups around the town have involved stencilling of the stormwater drain to create an awareness and understanding of what happens when rubbish is dropped in the streets — it all ends up in the waterways. It is important that those sorts of issues be addressed.

The matter of the levy has been raised on a number of occasions. Although the levy was unpopular, it gave communities ownership of the CMAs. The Corangamite authority went out and sold the ownership of the catchment. The Landcare groups worked closely with the authority and started to take ownership of their regions and catchments.

When the levy was dropped the community dropped away from ownership of the CMAs. The communities have no say in what is taking place there. Although we have some good people who do a fantastic job in the Corangamite Catchment Management Authority — for example, Bob Carraill, the chairperson, and Don Forsyth, the chief executive officer — they have lost their connection with the community. The community no longer has that type of ownership. They are still working through the process of trying to maintain and

re-establish links with the community through Landcare groups.

As I said, Landcare groups are carrying out a lot of work throughout the area, such as the fencing off and removal of willows from waterways, organising Rabbit Buster programs and a whole host of other tasks. Most people think the authorities are about the health of rivers, but they are actually about looking after the health of the catchments themselves. Their work involves trying to deal with practices and issues such as what happens in heavy plantation areas, what consequences the harvesting of those areas will have for the catchment, how we control the silt run-off, how we control nutrient run-off, what happens if areas are heavily affected by rabbits, what we do about erosion, and what we do about salinity. The CMAs do a hell of a lot. And what about the Otways? We could not leave out the beautiful Otways!

The CMAs take all these issues on board. It seems that the Corangamite Catchment Management Authority is continually being loaded with additional tasks such as looking after the Loch Talbot drainage trust and other drainage trusts in the area that are now starting to fall under their care. That will be a continuing process.

Mr Plowman interjected.

Mr MULDER — The honourable member for Benambra has alerted me to the imminent release of the farm dams document and the consequential recommendations. Stream-flow management plans will also become part of the work of CMAs.

CMAs are an important link with communities, and they will play a continual role. I congratulate the Corangamite Catchment Management Authority on the challenging work it has done throughout the diverse region under its care. It has a great team, and I am sure it will do a great job. I commend the bill to the house.

Ms GARBUTT (Minister for Environment and Conservation) — My thanks to the many members who made a contribution to this debate: the honourable members for Monbulk, Swan Hill, Ballarat East, Mildura, Benambra, Narracan, Wimmera, Seymour, Warrnambool, Bendigo East, Bellarine, Werribee and Polwarth.

The bill essentially makes three changes. Firstly, it enables the Wimmera and Mallee catchment management authorities (CMAs) to exercise the same waterway and flood plain management powers and functions as other CMAs exercise. Secondly, it changes the notification requirements to allow the minister to exempt an authority from having to give notice to every person who may be affected by a proposal to set up a new waterway management district. Thirdly, it fixes up some mistakes made by the previous government in relation to the Lower Murray Region Water Authority, which has been operating since 1995 as if it had all the powers which were supposed to have been given to it to cover all the districts in its area. The bill amends the Water Act to put the authority's activities over the past five years and its future activities onto a proper legal footing.

Many honourable members mentioned the work and roles of the catchment management authorities. There is great support for the work that is being done around the state. I believe that is well deserved. Both sides of the house extend their congratulations to our catchment management authorities.

Several unique features of catchment management authorities have been well recognised around the country — to the extent that the federal government has now recognised them in the national action plan for salinity and water quality and has recommended that that particular model be used throughout the country. These are community-based authorities that have grown from grassroots activism, particularly on the issue of salinity plans. The catchment management authorities are still evolving. I believe they are growing in credibility and importance in their communities and are taking on extra roles. They are critical to revitalising rural and regional Victoria. The recognition given to them under the national action plan is evidence of that.

One of their other great strengths is that they concentrate on integrated catchment management — not on selecting isolated issues but on taking the catchment as a whole, developing regional catchment strategies and identifying priorities, and getting all the various stakeholders in the catchment community involved in that exercise. They tackle a great range of serious issues of crucial importance to the future of rural and regional Victoria, as well as to its cities. I imagine we would all say that the first among those is salinity, but there are also serious issues such as water quality, nutrient run-off, pest plants and animals, drainage, waterway and flood plain management, and so on.

In those areas the government has been very active, and it is vigorously pursuing new initiatives and showing leadership in integrated catchment management and natural resource management. For the benefit of members opposite, who seem to have missed out on some of those initiatives, I suggest that the $30 million Water for Growth initiative, which is currently delivering projects around the state aimed at more

efficient water use and reuse to reduce the amount of nutrients going into our waterways, would be a good place to look at some of the government's activities and commitment to catchment management. The $150 million Snowy River project, which will deliver extra water to both the Snowy and Murray rivers and improve water infrastructure throughout our northern irrigation districts, is another demonstration of this government's leadership role in waterway catchment management.

Several honourable members have mentioned the $22.5 million sewerage funding, the new fair deal for town sewerage, which has been extremely well received but which I do not believe has had the recognition it deserves for the positive environmental impact these schemes will have, particularly on our waterways. Communities are now very eager to have sewerage come to their towns rather than resisting it with everything they could when the coalition was in office. That will lead to much cleaner waterways throughout the state. I also mention the Gippsland Lakes action plan, through which the government has emphasised on-farm irrigation efficiencies to reduce nutrients into the Gippsland Lakes and to increase environmental flows.

Members opposite also mentioned the catchment management levy with some regret. I am amazed that people are still arguing over that levy, which was absolutely rejected by every Victorian in country and regional Victoria. As the honourable member for Bendigo East said, it was a cruel tax on country Victorians. The tax was aimed at the previous government replacing the $25 million that it cut from the Department of Natural Resources and Environment budget by putting its hand into the pockets of country Victorians. The tax was an unfair charge on property owners, particularly as the problems in catchments were not their fault. Country Victorians were blamed for the state of our catchments and rivers, when clearly the problems resulted from previous practices and previous generations. Of course, we now know better.

In 1999–2000 the Bracks government provided $14.3 million to the CMAs for catchment management levy replacement. It replaced everything the CMAs would have collected in that year had the previous government won office and gone ahead with that hated tax. The figure included $1.4 million for one-off costs involved with some of the CMAs ending that tax. The opposition now claims that no-one is paying for our rivers and catchments, but we are all paying. It is coming straight off the budget. We are all making that contribution, as we should.

The honourable member for Monbulk talked a lot about the West Gippsland Catchment Management Authority. I think he got a bit lost and wandered from the Wimmera or the Mallee to the West Gippsland CMA and claimed that the government has cut its funding. The answer lies simply in two figures. Under the last year of the previous government the funding to the West Gippsland CMA was $3 677 000. This year under this government it is $4 308 000. By anyone's reckoning, that is over half a million dollars extra — it is $631 000 more than you were paying!

It is pretty clear. I would have to say that now the main issue on funding facing the CMAs is the uncertainty to do with the federal funding that comes through Natural Heritage Trust. The federal government has absolutely refused to give a guarantee that it will maintain the levels of that funding. We could well see it sliced away and those catchments that rely on that funding go begging. If the opposition wanted to do anything good for the CMAs it could pressure its federal colleagues to give a guarantee that those levels of funding will be maintained and will not simply disappear in a puff of smoke.

The honourable member for Monbulk also asked about the appointment process. What hypocrisy! When I used FOI to find out about the process under the previous government there was nothing to hand over. There were no performance criteria and no job descriptions. It was a secret process.

The current government set up an independent panel, which made recommendations to me. Everyone who was appointed came off the short list, except for one who was appointed to represent a particular geographic area. Every chairperson who was appointed was recommended by the independent panel. The shadow minister asked me to publicly say why I did not appoint some people. I think that would be a gross invasion of privacy and I do not think people would want me to do it.

The honourable member for Monbulk also asked a specific question on clause 4. I can advise him that he can rest easy, because the amendment will not make the changes he is suspicious of. With regard to clause 4 and the requirement to notify every person affected by a proposal, the answer to the question of whether that will become a general change that can be used to restructure the management of waterway management districts is no. Once waterway management districts are established for the Wimmera and Mallee catchment management authorities the whole of Victoria will be covered by such waterway management districts and there will be no scope for new districts.

Because the whole of Victoria will be covered by waterway management districts, any restructure or management of the those districts would involve either amendments to existing districts — diminishing one district while increasing another under section 104 of the Water Act, an existing provision that is not changed by this bill — or the use of section 98 of the Water Act, which allows a minister to appoint a council, appoint an existing authority, constitute a new authority, or following the proposed amendment to appoint a CMA, to take over the powers and functions of an authority. Therefore the provisions that would be used to restructure already exist in the Water Act, and the procedural requirements that need to be undertaken before taking action under those provisions will not be changed by the bill.

The honourable member for Benambra was worried that people should be notified because of adverse impacts. However, the bill makes no changes to the sections he mentioned — 186 and 188 — so he can rest easy on that score. He was also worried that people should be notified because they would not like what they were going to hear. That would apply only if the government were going to continue with the CMA tax. Now that that has gone the only impact is to give the CMAs the ability to provide waterway and flood plain management services. Because that is a benefit they are not going to be complaining about it, but there are other notification requirements in the bill and in the act.

I thank honourable members for their support for CMAs. I believe they are doing a great job. They have sound community support now that the CMA tax has gone. People are no longer campaigning against that tax and CMAs are strongly supported. The authorities are involving the community, tackling serious issues and going from strength to strength under this government.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

WHISTLEBLOWERS PROTECTION BILL

Second reading

Debate resumed from 31 August 2000; motion of Mr HULLS (Attorney-General).

Government amendments circulated by Mr CAMERON (Minister for Local Government) pursuant to sessional orders.

Opposition amendments circulated by Dr DEAN (Berwick) pursuant to sessional orders.

The ACTING SPEAKER (Ms Barker) — Order! Before calling the honourable member for Berwick, I inform the house that the second reading of this bill requires to be passed by an absolute majority.

Dr DEAN (Berwick) — I would like to be able to say that it is a pleasure to speak on this bill, and with respect to the bill itself — that is, the contents of the original bill, unamended — it probably would have been. Certainly the opposition would not have opposed it, and is not now opposing the bill. The opposition believes it is appropriate that whistleblowers be given the opportunity to make their complaints about government departments and government officers, including members of Parliament.

However, I must say in respect of the government's amendments, which are still being circulated — I still do not have a copy but I have been told what is in them — —

The ACTING SPEAKER (Ms Barker) — Order! I apologise to the honourable member for Berwick. I thought they had been circulated when I called him.

Dr DEAN — It does not matter, Acting Speaker. Thank you for that courtesy.

I have been told what is in this disgraceful amendment. I must say that in the eight years that I have been in this place I have never seen such a cynical attempt by a political party to protect itself by issuing an amendment designed purely for political purposes — to prevent itself being found out should it engage in corruption or some other process.

A Government Member — That is disgraceful!

Dr DEAN — I must say that the reaction from the other side is in no way unexpected.

Government members interjecting.

Dr DEAN — The opposition made it clear to the government that this amendment was totally unacceptable. Let me go into what it does. We are here late at night and honourable members might be asking themselves why when we are already — —

A Government Member — You wasted 2½ hours!

Government members interjecting.

The ACTING SPEAKER (Ms Barker) — Order! I ask that interjections cease and that the house hear the honourable member for Berwick in silence.

Dr DEAN — Why is it when we are here at midnight, 1½ hours after the appointed time, when any pound of flesh that the government wished to extract as a consequence of procedures that were initiated on this side of the house has been given, the government still wishes to proceed with two speeches — that is, my speech and the speech of the National Party spokesperson? Why is it that this amendment is being cynically and sneakily put into this bill at this time?

You must also ask yourself, Acting Speaker, why late at night on a Wednesday the government would want to amend its own whistleblowers bill, which has the support of the opposition in its current form? Why would the government bring in an amendment to the bill that it had already considered and already knew it had the agreement of the opposition on? Why would it want to move such an amendment, particularly when it was stated to the government last night, the night before and today that the opposition would not accept that amendment because it is inappropriate? Why did the government proceed? I turn to the amendment — —

Mr Viney interjected.

Dr DEAN — It is an amazing thing that when a government does something that even its members, if they knew about it, would be embarrassed about — and it does it at night because night is the time when it is hoped the embarrassment will not show — and the opposition blows the whistle on the government's amendment, we get diversionary tactics, discussion of past events and attempts to divert the speaker.

My view is loud and strong on this amendment, so all the diversionary tactics that might be used by the other side will not divert me and the people of Victoria from finding out what is in the amendment.

Mr Holding interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Springvale will cease interjecting.

Dr DEAN — If the government is happy and comfortable with this amendment, it will not be at all concerned about my explaining to the house what the government amendment does.

Let us go back to the bill before it was amended. The bill is designed to enable people who have complaints with regard to corruption and other matters concerning government agencies, including members of Parliament, to bring their complaints to an officer of the agency. In the original unamended bill members of Parliament brought their complaint either to the Speaker or to the President, depending on whether the member of Parliament was in the lower or upper house. The Speaker and the President were chosen because, of all the politicians in the Parliament, we hope and trust that they are the most neutral of all since they have an important job, and that is to exercise their discretion in a neutral fashion. That is presumably why they were chosen by the people in the policy department who decided this was the appropriate way to go.

How did the original legislation proceed? Once the complaint was made to, for example, the Speaker, he would then have to decide whether or not the complaint was of a kind that fitted into the bill — that is, whether it was a protected complaint and a protected disclosure. If it fitted, it was decided by the Speaker or the President whether or not it was also in the public interest that the matter be investigated.

Having made that decision the Speaker would then refer the matter to the Ombudsman, and the Ombudsman, having had the matter referred to him or her by the Speaker, was obliged to go ahead and investigate that matter and report back to the Speaker. The Speaker was then to make a decision as to where that report should go. Should it go back into the house? Should it simply be handled by the Speaker with the people concerned, or would some other mechanism be appropriate? One would have to say, as Liberal Party members did, that it is a pretty fair deal and a pretty fair way of ensuring that complaints against members of Parliament are treated in a neutral and fair way.

So why would it be that at this time the amendment to the government's own bill arrives on the table for us to look at? What does the amendment do? The amendment interposes a committee between the neutral Speaker or the neutral President. The complaint is made to the Speaker as usual, but under this amendment the complaint must go to the Privileges Committee. Who decides whether the complaint comes under the whistleblowers legislation and whether it is in the public interest for it to proceed to the Ombudsman? The committee!

What is this parliamentary committee? Is it under the control of the government or of the opposition, or is it perhaps a neutral committee? It is the Privileges Committee, and guess who controls the Privileges Committee? The government! With a majority of five to four, government members decide. They will make

the decision whether complaints should proceed to the Ombudsman and are in the public interest.

If you have ever been to the Victorian Civil and Administrative Tribunal and had to argue public interest grounds you will certainly know that the discretion with regard to whether public interest grounds are concluded or not is very wide. The committee, if it is protecting one of its own, will have no trouble in deciding that the public interest is not to pursue that complaint.

So what do we have now from a neutral and unbiased measure that was agreed to by the opposition? We have this late-night, disgraceful bid to place in between that neutral person, the Speaker, and the Ombudsman a government-controlled committee. Does anyone think it will find against one of its own? Does anyone think if a complaint is made and it must be determined whether the public interest is in having one of its own members of Parliament reported to the Ombudsman for the Ombudsman to mandatorily investigate, it is going to decide to do that? You've got to be joking! If that is what honourable members believe, they have not been in Parliament very long, because we are all politicians — and let me tell you, the history of the Privileges Committee is that it is a highly political committee. That is why it is done.

Just a few moments ago it struck me that perhaps I should go to see if I could find the Speaker or the President to find out whether they knew about the change that occurred. As I looked out the door the upper house sitting had just concluded and the President was on his way home. I asked the President if he had been consulted about the original act, and he said, 'Yes, we were'. I said, 'You therefore know that the mechanism was that the complaint went to you and you made a decision as to whether it should go the Ombudsman?' He replied, 'Yes, we did'. I asked, 'Were you happy with that?' The President replied, 'Yes, we were'. I asked, 'Are you aware that tonight, right now as you are leaving for home — —

Mr Nardella interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Melton should cease interjecting.

Dr DEAN — 'Are you aware, President, that there has been a change to the act, that your powers have been usurped and that complaints will be made to you but that you will just be a puppet? You will be a conduit. You will just hand on that complaint to the Privileges Committee. You will not be making a decision about whether or it should go to the committee'. And the answer was, 'No, I had no idea that that was the case. I have not been consulted on this. This is something entirely new to me'. He said he would go away and think about it tonight.

I can assure the government that I will be following that up with both the Speaker and the President, who I believe will see that their position has been usurped. Throughout the history of this Parliament a complaint made by a member of Parliament or anyone else goes to the Speaker or the President. It is the Presiding Officer who decides whether the matter should be put to the Parliament and then whether it should go on to the Privileges Committee. Under this piece of legislation the Presiding Officer has been sidestepped and will have absolutely no influence at all. A matter will go to the Presiding Officer, who will have to pass it on to the Privileges Committee for it to decide.

That is an absolute disgrace. We have all sat in this chamber and pontificated on the idealism of being a parliamentarian, but we also know that the practicalities of this place mean that politics plays a big role. I do not care how often people say that the Privileges Committee, which is controlled by the government, will not be biased and will not protect its own. I would say, 'Fair enough, if that is your belief about the way parliamentary committees that are controlled by one party or the other operate, that is a matter for you. But why do you think that the government of the day always makes sure it has the chairmanship of the Privileges Committee as well as having a 5–4 majority? Is it a sheer fluke?'. I would be happy to throw out this challenge. If you want — —

Government members interjecting.

Dr DEAN — If you want to run the line that it does not matter whether the Privileges Committee is chaired by the opposition or the government, I throw out this challenge. I would say, 'We would like to have the chairmanship of the Privileges Committee, and I would like you to show that you are absolutely committed to the ideal that once politicians are on the Privileges Committee they act without political purpose — and that would be a wonderful way of demonstrating it'. I would say, 'There is a 1000 million to 1 chance of your ever accepting that challenge. I would be able to jump over the moon before you did that'. But frankly, if you do it I would volunteer to jump over the moon — no problem!

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Berwick should address his remarks through the Chair.

Dr DEAN — As I say, this is a government that came in saying time and again that it would change the system. It said, 'We will be honest. We will be open. We will ensure that matters that affect politicians, should they be about corruption or whatever, will get a proper and fair airing'.

There can be no reason for this amendment, save for the fact that this government has decided it is better to protect its own by ensuring that complaints do not just go to the Speaker but have to go through the Privileges Committee, which it controls. If that is not the case, I ask the government, 'Why not scrap the amendment?'. If it is so sure that is not the case and everything is fine, it should scrap this amendment and let the Speaker and the President do the job they have been doing since time immemorial and neutrally decide when complaints come to them what they should do with them. If it is so, you should scrap the amendment or explain to this house why you think the Speaker and the President are not neutral and therefore the Privileges Committee should do it.

A government member interjected.

Dr DEAN — Sorry, Acting Chair. I ask the government to explain to this house why it has moved this particular amendment. What is the reason?

Either it is because the government says the President and the Speaker cannot be trusted — because in the original bill they were trusted and the opposition was happy to support the provision — or there has to be another reason. What is the reason? If the President and the Speaker are neutral and are not biased and the government has faith in them, what is the reason for the amendment?

Mr Maughan — They are silent.

Dr DEAN — Yes, absolutely silent. If the government believes the Privileges Committee is biased in any way, it does not need the amendment. The government has said to the opposition that certain ministers such as the Minister for Education and the Minister for Transport and perhaps others may suffer complaints against them, and if they do the government wants to make sure that the final arbiter of whether those complaints go to the Ombudsman is the government through its committee. It is saying, 'This is the government, this is where the action is. We want to make sure that nothing happens here that enables a complaint to get through'.

Complaints against government members of Parliament or ministers in the lower house will zoom along until they get to the Privileges Committee, where they will hit a brick wall. That is not in the public interest. Complaints against other people will zoom along and be sent to the Ombudsman, who must investigate them. What a weapon for whichever party controls the Privileges Committee! Their opponents can have complaints made and given to the Ombudsman, who must investigate them. It is better than that, because some might say, 'What about the minority on the committee?'. Surely they can jump up and down and say, 'This is an outrageous complaint and because it was one of ours it was sent to the Ombudsman'. No, they cannot, because under the legislation if the complaint does not go ahead confidentiality must be assured.

In other words, any member of that committee who decides to leak what happened as a consequence of that matter would be subject to the confidentiality provisions of the act and face severe penalties. It is a perfect system for whoever controls the Privileges Committee. They know that whatever happens, whether it hits a brick wall because it is one of the mates or whether it goes straight to the Ombudsman, who must investigate it, no-one can say why. If anyone raises any information about the complaint they are in breach of the act and penalties will follow and they will be in serious difficulties. It is a perfect system for a government-controlled committee to protect its own.

What if we adopt what is being said by the government — that everyone on the committee will act appropriately and not politically? What if one committee does not do that and something outrageous happens that is totally contrary to the intention of the act? Will we ever find out about it? No, we will not. The act says no-one is allowed to know. It means that if a whistleblower is stupid enough to go down this path, he will get a political solution to his problem. He will be bound hand and foot by this act and be worse off than he was before.

Mr Baillieu — It is a whistleblowers act, but no-one is allowed to know.

Dr DEAN — That is right. It is a whistleblowers act about which no-one can blow the whistle. The opposition agreed with the bill but it does not agree with the amendment.

The situation gets more absurd. The bill was read a second time on 28 August last year but the opposition was only notified that it was coming on for debate this week 1 hour before the shadow cabinet meeting on Monday. The opposition was notified that an amendment — which had previously been proffered but not discussed or shown — was going ahead last

night. The opposition told the government it disagreed and the government's response was, 'To hell with you' and is putting it through anyway.

There is a further odd thing about all of this. The opposition told the government there was a problem with the bill in any event. It is terribly important that the government not breach the parliamentary privileges of this place. These privileges have been in existence for a long time. They give all of us in this place the freedom to say what we want within the rules and they ensure that freedom of speech is maintained. That is the privilege of this house. In taking a complaint and sending it to the Ombudsman this bill gives the Ombudsman all the powers of that position.

I will go through some of those powers. The Ombudsman has a right to enter someone's house to investigate what is going on. For example, if a complaint is made against a member of Parliament and goes to the Ombudsman, under this act the Ombudsman has the power to go into that member's house or electorate office and look at documents and so on regardless of whether the member likes it. That may be fine. The Ombudsman also has the power to ask questions of a person. He has all the powers of investigation in relation to matters a member may have raised in this Parliament.

Anyone who has been watching the Metropolitan Ambulance Service royal commission will have heard that the royal commission has said it is not able to question members of Parliament because privilege prevents it from doing so. It does not take an Einstein to realise that by giving the very same powers to the Ombudsman there could be a breach of the privileges of Parliament. In other words, the Ombudsman may find himself in conflict with the privileges of this Parliament.

Honourable members interjecting.

Mrs Peulich — On a point of order, Madam Acting Speaker, this is a very important piece of legislation for everyone. I am finding it difficult to follow the contribution of the opposition's lead speaker because of the numerous disorderly interruptions from the government benches. I ask you to assist the house in debating a very important piece of legislation. Everyone would be better off if they listened rather than trying to drown the honourable member out.

The ACTING SPEAKER (Ms Barker) — Order! There is no point of order, but I remind the house that conversations are disorderly, as are interjections. The honourable member for Berwick is debating well and should not be interrupted.

Dr DEAN — No amount of interruption or interjection will prevent me putting to this house some of the things which, if the house did not realise were going on at this time, it would regret very much.

Last night the opposition told the government that there was a possibility that the Ombudsman, who has these enormously wide powers, might find himself in breach of the privileges of Parliament. The opposition would like to move a benign amendment that simply says that nothing in this act will impinge on the privileges of Parliament. That is something with which one would think no member of Parliament would disagree. It would be done with the best will to ensure that the Ombudsman did not get himself into the difficulty on which the royal commission has spent some time discerning, discovering and pontificating.

What was the response of the government? The government was so desperate to get this amendment through to protect itself that it said, 'We will only support your amendment' — a standard and sensible amendment at which no member of Parliament could take offence — 'if you support ours'. If our amendment, benign as it is, goes down, so be it, because there is no way a self-respecting member of Parliament could allow this trick to prevent the passing of what is a good bill with which we are happy to agree and which allows members of Parliament and others to be found out if they are corrupt. There is no way any member of Parliament could stand by and let it be prostituted by taking away from the Presiding Officer the right to control the process and putting it in the hands of a politically orientated committee, whether it is run by the opposition or the government.

Unless the government can come up with an explanation on why it has gone from being neutral and fair to this, Victorians will finally say it has blown its carefully orchestrated image of honesty, straightforwardness and openness. Nobody out there in voter land will say that a committee, made up of politicians that are controlled by one side of Parliament, is as good as a Presiding Officer in deciding whether some matters should go ahead. There is simply no likelihood of that.

At this late stage I ask the government to reconsider what it is doing. It will not get by because it is done late at night. It will not get by on ridiculous explanations such as that the first procedure was fair but this procedure is also fair, yet still not provide a reason why it would ditch the former. It simply will not get by.

The bill attempts to do the right thing. Bills of any perplexity, such as the constitution bill — and we all know the first one had to be removed before it was debated because it was so bad and the second one was so atrocious that the government had to call a no-confidence motion in itself just to break a deadlock — and the freedom of information bill have had to be amended at the last minute. The Juries Bill went up into the stratosphere and had to be amended to make any sense. The transgender bill went up into the atmosphere until it finally came down when it was amended by the government in order to be passed. The relationships bill has gone up into the stratosphere because it too is full of holes. By the way — —

Mr Nardella — On a point of order, Acting Speaker, the honourable member is anticipating debate on that particular bill. I ask you to bring him back to this bill.

The ACTING SPEAKER (Ms Barker) — Order! I do not uphold the point of order. The honourable member had not been anticipating debate although he referred to the name of the bill.

Dr DEAN — For the information of honourable members, I think we are up to three — —

Ms Gillett interjected.

The ACTING SPEAKER (Ms Barker) — Order! The honourable member for Werribee is out of her seat and out of order.

Dr DEAN — Not only was that mucked up, but a bill involving the Supreme Court was debated today and the provisions in relation to the Magistrates Court were a rerun because when the government brought in those amendments they were such a mess they had to be taken out and another lot brought in today. It does not surprise me that this bill, which has a modicum of technicality about it, has also been mucked up.

I have been distracted by this last-minute attempt by the government to try to rescue itself from disclosure and whistleblowing, so I do not have the time to go into all the problems, but I will quickly refer to just three. Firstly, there is the privacy of the person who makes the complaint. We will support the bill because we are sick to death of having to fix up inappropriate government legislation. It will be passed, and maybe the government itself will fix it up later.

If under the bill you make a complaint that is not a disclosure, does not measure up or does not go to policy, you will be left out on a limb. If in those circumstances someone breaches the privacy provisions and says, 'That person made the complaint', you are history because you have no protection. There will be no privacy and you will have to duck for cover because your identity will have been revealed. The privacy of the person making the complaint is abominably left open by this piece of sloppy legislation.

Mr Viney — On a point of order, Mr Acting Speaker, the honourable member for Berwick has been constantly ignoring the Chair and directing his remarks across the chamber. The previous Acting Chair drew the honourable member's attention to that, but the honourable member has continued in this vein. I ask you to draw his attention to the proper processes of the house.

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

Dr DEAN — My next problem is the question of interfering with Parliament, which I would have liked more time to go into. The opposition has foreshadowed an amendment that it is hoped will overcome the problem. The government will apparently vote against it because the opposition will not support the change by which complaints will be taken to the Privileges Committee instead of the Speaker or the President. I have no idea how the government can justify voting against an amendment that seeks to protect the privileges of the Parliament, but apparently that is what it will do. I hope honourable members will decide to vote for the amendment.

My next point is about the inadequate reporting mechanism. If nothing is done within a certain time about a report that is issued by the Ombudsman or the public authority, the Ombudsman has the power to refer it to Parliament. It is an incredibly clumsy mechanism. There will be many situations in which although nothing is done about a report the Ombudsman will not believe it is appropriate to bring Parliament into the picture. In the bill the reporting and accountability mechanism that says that a report once filed should be acted on is weak and needs to be tightened.

The opposition will still support the bill, even if the amendment is defeated. However, it is not much good having an investigation into a complaint and at great expense producing a well-reasoned response if in the end nothing is done about its recommendations.

The last matter I wish to raise relates to the confusion about 'the public interest'. The test — whether the complaint falls within the requirements of the bill — is not just. Even if the complaint complies with the following questions — does it refer to a dishonest

performance; does it refer to partial conduct; does it involve misuse of information; and does it refer to substantial mismanagement? — it may still not go ahead if the Ombudsman decides that it is not in the public interest that it should.

The bill provides no help for the courts or anyone else who has to decide what 'the public interest' means. They are words in a bill, and a chain is as strong as its weakest link. If the weakest link is the public interest and the difficulty of describing conduct, many complaints that should be investigated will not be.

It brings me back to where I started: the public interest question that must be answered is so flexible that any committee, whether it be controlled by the opposition or by the government, can so manipulate the requirement of public interest that it can make a decision to suit its purposes. It is incredibly easy to decide that a complaint will or will not go ahead simply because in your determination it either does or does not comply with the public interest requirement.

I want to conclude with, I suppose, a touch of reality for everyone here. It will simply not happen in a Privileges Committee. The matter might involve the current Premier, a minister or the Leader of the Opposition. Could anyone in this chamber honestly tell me that they could easily decide in a committee that they control that a complaint against their own Premier, minister or leader should be referred to the Ombudsman, who must then inquire whether he likes it or not? Even if you say with hand on heart that you would send the Premier or the Leader of the Opposition up to be investigated by the Ombudsman, why should — —

Mr Nardella — Put your hand on your heart and tell us about KNF.

The ACTING SPEAKER (Mr Savage) — Order! The level of interjection and conversation in the chamber has become too high.

Dr DEAN — I will just have to repeat my comment — it just gets said twice. Even if you come to the conclusion that you would do that, why should you be put in that position? Why should this Parliament put honourable members who are on a committee in a position of complete conflict with their own interests?

There is a doctrine in law that says that if you have a conflict of interest you must retire or remove yourself from the committee. Under this legislation, every time a complaint against a member of Parliament comes before the committee every single member of Parliament would have a conflict of interest. For government members of Parliament the question would be, 'What will I do, because I have a loyalty to my colleague but I also have a loyalty to doing the right thing on this committee?'. The opposition member will say, 'I am in a complete conflict because I have a loyalty to my party to make sure that this member does not go up to the Ombudsman, yet I also have an obligation to do the right thing by this committee'. It is totally inappropriate that any member of Parliament should be placed in that position of conflict.

Under any rule of law in almost any civilised country such conflicts are not allowed. Whether they be judges, councillors or members of committees, if there is a conflict of interest people remove themselves from those positions. For this principle to work everyone on the Privileges Committee would have to leave the committee. They would not be able to make a decision — they would all be in conflict — and this whole bill would then become a completely useless piece of junk.

I therefore ask the government to reconsider its position. It has made an error. It should simply say, 'You are dead right. We will remove this amendment. The amendment you have put forward for protecting the privileges of Parliament is appropriate and we will go forward from there'.

Mr RYAN (Leader of the National Party) — It is interesting to note that honourable members are debating the bill when, unfortunately, the Attorney-General is ill and cannot be here. I say that genuinely. No-one wishes illness upon any of us in this place. I am sure we all hope for his speedy recovery. But of course this bill has sat on the notice paper since about August last year.

It is ironic that the Attorney-General has unfortunately contracted the illness and is unable to be part of the debate. The debate has been loud so far, and I suspect it would have been even louder if he had been here. The essential point made by the shadow Attorney-General is right, because legislation that comes before the house is — —

An honourable member interjected.

Mr RYAN — It is important for the public to have confidence in the legislation that comes before the house. It is important that any legislation that comes into Parliament can carry the confidence of the people who will be subject to it. That is a fair call.

The legislation was part of the government's program leading up to the last election, and it is important given its nature — it is intended to protect whistleblowers —

that the people who will be subject to it are able to have confidence in it.

That is particularly the case in this instance, because part 8 of the bill is devoted to the position of members of Parliament. A whole part in the bill is related to matters concerning the members of Parliament. Therefore, it will be the subject of further scrutiny by the public; that will follow as a matter of course. The heightened state of awareness of the people who will be looking at this legislation and the debate on it will be sharpened further by the process that has unfolded tonight.

I am the lead speaker for the National Party, but I had absolutely no idea from any conversation or from any source at all that the government intended to do what it is now doing. No-one from the government came to speak to me about it, and until the amendments were distributed tonight I had utterly no idea that this course would be taken or that it would take this form.

You cannot help but ask why that is so. Why is it that the bill has been on the books since August last year? The fact that it has not been brought on for debate has been the subject of comment many times, yet these amendments have been brought in literally at the death knell. I hope a government member will eventually answer the rhetorical question I am posing, because I can imagine what will happen when the general public sees how the process has unfolded. People will begin to ask why a change of this magnitude would be introduced with short notification — only 24 hours ago — to just one of the opposition parties. On any view it was short notification, and the public will ask how that could happen. It has taken from August to the present — some seven or eight months — for the amendments to be introduced into the chamber.

The public will be asking for explanations. That is a reasonable request. Why has the bill been brought on for debate late tonight? The shadow Attorney-General has offered his view, and the public will give it serious consideration. The other option that just occurred to me as I sat here reading the bill and listening to the contribution just made is that no full report on the bill was given to government members and that at some point after the bill was introduced in August last year government members tumbled to the fact that under the proposed legislation parliamentarians would be subject to an examination, which they either did not know at all or thought would be done in a way that would unfold differently. So this proposition has now been advanced to us tonight. That is a possible explanation.

Whatever the truth of the explanation, one thing is for certain: somebody from the government will have to explain why it is so. The government surely cannot guillotine this bill tomorrow without the government having a speaker.

During the course of at least one contribution, the challenge for the government is to come up with an explanation about how it is the case, let alone acceptable to the public, that this sequence of events could have transpired in this way. I shall be interested to hear, as I am sure is the public at large, the explanation offered by the government during the debate.

I do not want to trace the complete structure of the bill because, apart from anything else, it is probably one of the most convoluted pieces of legislation to come before this place. To go through the agonising process of tracing it through would mean that we would be here for much longer than anybody would want. I shall make general comments concerning the legislation and conclude with additional points that are of concern from those raised by the shadow Attorney-General.

Although it is called the Whistleblowers Protection Bill there is no definition within the bill of what constitutes a whistleblower. For the purposes of the legislation, the bill is simply without definition. To have any idea about what is the definition of the individual for whom the legislation is designed one has to have regard to the second-reading speech. Paragraphs 3 and 4 state:

> Whistleblowers are persons (often employees) who make an allegation or divulge information about wrongdoing on the part of another person or organisation. Whistleblowers generally come forward out of a highly developed sense of public duty and personal ethical standards.
>
> They can play an important role in protecting the public interest by exposing serious public sector wrongdoing. Ensuring the accountability of public organisations and officials for their actions leads to higher standards and performance, and increases public confidence in the public sector. These are all claims that this bill seeks to promote.

So far as I can identify, that is probably the only definition of whistleblowers in any of the material that has been produced by the government in either the bill or the second-reading speech.

The bill, convoluted as it is, probably revolves essentially around the concept of part 2, which runs through clauses 5 to 10. If one tracks through clause 5 in particular, one ends up with the essential basis whereby disclosures about improper conduct can be made and by whom. In the interests of the time frame I will not go through it, but I invite anybody who reads this contribution to turn to clause 5 of the bill and trace

through my matching up the content of that clause with clause 3, the definitions provision. One can marry the content of clause 5 with the various expressions it contains only by referring to the definitions provision in clause 3. It is a nonsense. One must put them together.

Clause 5 is a recipe for the joys of litigation. There will be unbounded joy in William Street at the bar.

An honourable member interjected.

Mr RYAN — It is not as good as a royal commission. Nothing is as good as a royal commission, but this legislation will be the subject of immense amounts of litigation. Clause 5 refers to:

> A natural person who believes on reasonable grounds …

I will stop there for a moment. A natural person has a definition in law so it cannot be a company, an incorporated form or an entity; it must be a natural person in the true sense of the word who believes 'on reasonable grounds'. The expression 'reasonable grounds' has been the subject of more legislation than even the shadow Attorney-General and I can poke a very long stick at! In the future there will be an immense amount of litigation over interpretations of what constitutes reasonable grounds.

All of the case law over the years in, for example, drink-driving legislation, as to what constitutes reasonable grounds for pulling people over for breath tests, has become the subject of strict liability in a legislative form. In time to come the expression 'reasonable grounds' in the Whistleblowers Protection Act will be a source of much joy at the bar. I will resist the urge to go through each of the provisions in the bill, but I assure the house it contains a raft of material that will be the subject of an extraordinary amount of litigious consideration in the years to come.

Clauses 5 to 10 in part 2 are the critical parts of the bill, the parts around which the rest of it revolves in the sense of enabling complaints to be made and giving rise to the protections offered. Those clauses deal with all the aspects of investigation and referral to the Ombudsman and others and are the core around which the legislation revolves.

Clause 9 states:

> A person may make a disclosure under this Part about conduct that has occurred before the commencement of this section.

I wonder about limitation of actions and whether a time restraint applies. In principle, if clause 9 is taken literally, the complaint to which it refers could be one from 20 years ago. When the bill is enacted, what will happen if someone comes along with a complaint from 20 years ago that falls within the provisions of the legislation?

I may have missed a provision that says the Limitation of Actions Act applies, and I stand to be corrected. However, if the legislation contains nothing that imposes some sort of time restriction there will be problems. The nature of the legislation will see people who are zealously committed to making complaints about these forms of conduct come out of the woodwork. I refer to that in passing as another joy of litigation, and I am only up to clause 9 on page 10! I will not go through the other 80 or 90 clauses.

An honourable member interjected.

Mr RYAN — Be careful now! The bill contains nothing that deals with the issue of costs. What will happen if an individual within a department is the subject of a complaint and the complaints process unfolds in any one of the ways set out in the legislation?

That individual goes off and gets legal representation. As the complaint works its way through the processes that are set out in the legislation, the individual has to make sure that he or she — let's say he for the purposes of the discussion — is properly represented. All sorts of offshoots can arise. What happens, for example, if the Ombudsman decrees in the course of the investigation that there will be a raid on the person's home and he wants to go off to the court to get some sort of order to preclude that happening, or any one of a dozen other options one can readily think of that the person may want to pursue to defend himself? He has to get legal representation to do so, and the meter is ticking.

Not all people in the law are as reasonable about charging fees as the shadow Attorney-General and I. It is conceivable that there are those who would charge pretty hefty fees to represent someone who is the subject of this sort of process. One could well understand how, as the whole process unfolded with interlocutory proceedings being conducted and hearings being held in the Supreme Court for a couple of days, all of a sudden $10 000 or $20 000 a time could get chewed up. The difficulty I have with the bill is that there is nothing in it that enables any sort of recompense to be made to the person who is subject to the investigation that the bill contemplates.

I turn in particular to clause 40, which refers to matters that do not have to be investigated and which provides the Ombudsman with the discretion to decide not to

investigate a disclosed matter if it is regarded as trivial, frivolous or vexatious. However, there is no provision relating to costs. If the provision about matters not having to be investigated is there — and it is a good thing that it is — surely it should be accompanied by a power that rests in the Ombudsman, perhaps, to direct that appropriate costs be paid by the department, the government or someone else to look after the interests of the person who is subjected to the process.

That is the reverse or flip side of the whole design of this legislation. It is all very well to look at the legislation from the point of view of the protection of the person who is doing the whistleblowing, but what about the poor individual who may innocently be the subject of what the whistleblower has to say and who turns out after a protracted process to be completely exculpated? Who gives him back his name, and who pays his costs and so on? I would like to hear from the government about that issue.

Some of the time limits relating to the disclosure provisions may not be long enough. The bill contains provisions that talk about notice being given for this or that. I will not work through them all now, but they ought to be looked at carefully, because we do not want anybody being caught by trial by ambush. Those issues bear consideration by the government. I ask that the matters I have raised be examined, together with the queries the shadow Attorney-General has addressed to the government.

I will refer to correspondence provided to my colleague the honourable member for Wimmera by the Horsham Rural City Council. The letter was written by the council on 25 July 2000 because at that time the reasonable expectation was that the bill was about to come on for debate. The letter I have is addressed to the Attorney-General and a copy of the correspondence was provided to the honourable member for Wimmera.

In the course of it the chief executive officer, Mr Kevin Shade, sets out a series of points representative of the concerns of the municipality, and I will make quick reference to those points since it has gone to the trouble of providing the material for us.

After the introductions the letter says that the key concerns include the idea that a council can be defined as a public body and is therefore subject to disclosure, so it is inappropriate on policy grounds that disclosure be made against the corporate decision-making or resolutions of council — the same rationale for exempting the legislative scheme as it currently stands.

Secondly, the letter states that a council may be forced to undertake investigations. Inadequate resources, lack of high-level investigation experience and training among council staff and conflict with federal industrial agreements may render it inappropriate for a council to investigate a disclosed matter. A council should be required to conduct a key investigation only if it consents to the Ombudsman referring the investigation.

Third, the procedures for notifying a council of an investigation require revision. In addition, the procedures for making a disclosure are unsatisfactory and may open the possibility of false and misleading disclosures. Fourth, the legislation fails to guard against a person abusing immunity from defamation and other legal action afforded to a protected disclosure through revealing or publicising information while an investigation is under way.

Lastly, the letter states that the definitions of improper conduct and corrupt conduct are unclear.

Those are the points that have been raised by the Horsham Rural City Council. I will make a copy of that letter available to the honourable member for Richmond. I will do it tonight — or this morning, I should say — so that he may have the opportunity to consider it in the response he makes on these matters.

I conclude on that basis. There are issues about which the public is going to be concerned. For the sake of this legislation it is very important that the government provide explanations for the matters that have been raised, not only by the lead speaker for the Liberal Party but also by me on behalf of the National Party.

Over and above even those matters, I would say that the matter now needing a thorough explanation by the government is that it has brought in amendments at the death knell, in circumstances where the National Party had absolutely no notice of it and the Liberal Party next to none. That is an issue that will need to be explained to the public.

Debate adjourned on motion of Mr WYNNE (Richmond).

Debate adjourned until later this day.

Remaining business postponed on motion of Mr CAMERON (Minister for Local Government).

ADJOURNMENT

Mr CAMERON (Minister for Local Government) — I move:

That the house do now adjourn.

Schools: portable classrooms

Mr HONEYWOOD (Warrandyte) — I ask the Minister for Education to investigate the circumstances surrounding the awarding of a contract to construct 20 mod 5 relocatable classrooms, the equivalent of 40 new classrooms, at a cost of over $2 million, to the Queensland-based Ausco company through its manufacturing plant in Elizabeth, South Australia. Could the minister report back to the house on whether, firstly, of the four construction companies that have been awarded contracts to construct relocatables, all three Victorian-based companies quoted prices that were acceptable to the Victorian education department but only the South Australian contract was deemed to be too costly and had to be renegotiated down to approximate the average price of the units of the three Victorian contractors? This begs the further question of why Victorian jobs have been lost when the South Australian quote was not even nationally competitive.

Secondly, could the minister confirm that the South Australian manufacturing plant of Ausco has been led to believe it is about to receive a second substantial relocatable construction contract from the same Victorian education department and its head contractor?

Mr Nardella — On a point of order, Mr Acting Speaker, the honourable member for Warrandyte is asking a series of questions, rather than calling for action, as is required in the adjournment debate. I ask you to bring the honourable member to order.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order. I caution the honourable member for Warrandyte that so far it appears he has asked a number of questions and has not called for action.

Mr HONEYWOOD — At the start of my address I asked that the minister investigate the circumstances surrounding the contracts.

Thirdly, as part of the investigations into the construction contracts, can the minister confirm that some of the contracted construction companies have their manufacturing plants and store yards full of newly completed and paid for mod 5 units because the minister has not bothered to instruct her department as to which Victorian government schools are to be the lucky recipients of those much-needed new relocatable classrooms? In other works, has the Minister for Education taken her eye off the ball yet again?

Half the classrooms at Monbulk Primary School were to be removed over the coming term break, which starts at the end of this week. They have been there for 18 years. They were to be lost to Monbulk Primary School simply because the minister has not told the construction companies where the new mod 5 relocatable units that have been ordered and paid for by the department are to be relocated. It is a disgrace and a growing scandal. The minister must sit behind her desk and start taking action.

Knight Street–Centre Road intersection: traffic lights

Mr LIM (Clayton) — In the absence of the Minister for Transport I ask the Minister for Local Government to investigate the possibility of installing traffic lights at the intersection of Centre Road and Knight Street in the Clayton shopping centre in my electorate.

I have received representations in the form of a petition containing some 300 signatures of local residents, for whom the intersection has been a major concern for some time. They have made representations to the Monash City Council as well as the Kingston City Council, as the intersection is right at the border of the two municipalities.

I ask the minister to investigate the possibility of installing traffic lights at the intersection. I am not asking him to act to have lights installed automatically without having the matter investigated first, because they would be only some 100 metres from a major traffic intersection. I do not know how that would affect the flow and management of the traffic. Therefore it is necessary to look at the solution from every possible angle.

To put the matter into perspective, I quote from the petition the residents have presented to me:

> We, the residents of Clayton/Clayton South, state that there is an urgent need for traffic lights to be installed at the intersection of Knight Street and Centre Road. The present pedestrian crossing light located east of Frank Avenue should be removed and included into the requested controlled intersection to improve traffic control and movement from Knight Street. This change will also provide improved safety conditions to pedestrians attempting to access the local shops, doctors surgery and Greek Orthodox Church in Knight Street.

I ask the minister to give the petition the serious consideration it deserves.

Drums Go Round

Mr MAUGHAN (Rodney) — The matter I raise for the attention of the Minister for Environment and Conservation relates to a company by the name of Drums Go Round, which is situated in Moama, New South Wales, just over the border from Echuca.

Mr Lupton — A lovely spot.

Mr MAUGHAN — As the honourable member for Knox says, it is a lovely spot. The company is very innovative. It cleans and either recycles or reprocesses plastic buckets and drums, which it collects from large food processing companies in northern Victoria such as Kraft, Murray-Goulburn, Bonlac, Heinz and Nestlé. It even collects the drums from way up in New South Wales.

Each year the company collects about 800 tonnes of material, which previously went to landfill. About two-thirds of it — 640 tonnes — originates from Victoria.

The annual turnover of products sees 100 000 drums washed and returned to industrial use; 200 tonnes of waste plastic granulated and made into irrigation pipes; 50 tonnes of milk bottle plastic ex-blow moulders granulated and used for pipes; 3000 damaged wheelie bins granulated and recycled into irrigation pipes; and 120 tonnes of polystyrene from the local yoghurt factory granulated and made into seats for use at sporting venues such as the Olympic stadium and Colonial oval.

The company is practising practical recycling. I seek the minister's intervention and ask her to talk to her New South Wales colleague, because the Environment Protection Authority in New South Wales is demanding an $8000 a year registration fee for simply being registered. The company is perfectly willing to abide by the EPA's requirements, but objects to paying $8000 simply for a licence fee given that it is saving the community 800 tonnes of material that would otherwise go to landfill.

The company's activities are exactly what governments, both state and federal, are encouraging organisations to undertake; however, it is being penalised by an $8000 a year fee. Once again, I ask the minister to intervene with her New South Wales colleague in an endeavour to have the registration fee waived.

Rail: Williamstown service

Mr MILDENHALL (Footscray) — I request the Minister for Transport to take up the issue of reduced rail loop services to the Williamstown line with Bayside Trains.

As a result of decisions taken by Bayside Trains at the end of last year and earlier this year no loop trains service the Williamstown line. Any patrons or commuters wishing to travel into the city and on to the loop system need to change trains at some other station. This is particularly difficult in the context of an increasing popularity of the rail commuter system as more white-collar and office-based workers in the Seddon and Yarraville areas seek to use these services.

Despite the increased demand for services, Bayside Trains has seen fit to reduce patrons' access to the services. This causes inconvenience, firstly, because of having to change trains, and secondly, because where the change of trains occurs either at Footscray or North Melbourne there are steep ramps between the platforms. Anyone who is either aged, infirm or disabled would find it extremely difficult to make the necessary transition between trains. There is double jeopardy involved in the impediments that Bayside Trains is placing before would-be commuters.

In the context of increasing demand for services it is hard to understand why an operator of services would seek to make access to trains more difficult. Not only do we have the difficulty of the ramps but because of rising petrol prices the use of North Melbourne station is increasing. Commuters attempting to change from one train to another are frequently missing trains as the carriages fill up and are not able to take on any more passengers.

I reiterate my call for the minister to intervene in this matter to seek some sensible outcome by Bayside Trains and in this competitive environment to invite it to take advantage of an increased demand.

Victorian senator: Cyprus visit

Dr NAPTHINE (Leader of the Opposition) — I raise a matter for the attention of the Premier in his role as the Minister for Multicultural Affairs. I ask the Premier to apologise to the Greek and Cypriot communities of Victoria for the irresponsible, illegal and insulting actions of a Victorian member of Parliament.

The Victorian member illegally visited the occupied part of Cyprus in direct contravention of United Nations resolutions. He broke the clear and distinct law

of Cyprus. I am advised that had the member of Parliament returned to Cyprus he would have been arrested and run the risk of being placed in jail. That illegal and unauthorised visit by the Victorian member of Parliament is a clear and profound insult — —

Mr Holding — On a point of order, Mr Acting Speaker, I understand that on the adjournment debate a member must raise a matter that is within the purview of government administration. I do not believe the matter being raised by the Leader of the Opposition falls within the purview of the ministerial competence of the Premier.

The ACTING SPEAKER (Mr Savage) — Order! I do not uphold the point of order. The Leader of the Opposition has not had the chance to fully acquaint the house with the particular issue he is raising.

Dr NAPTHINE — As I said at the commencement of my contribution, I seek from the Premier his apology to the Greek and Cypriot communities for the illegal and unauthorised behaviour by a Victorian-based member of Parliament, which was a clear and profound insult to all Cypriots and Greeks in Victoria.

The major international incident was highlighted by the High Commissioner for Cyprus, Mr Andreas Georgiades, in his address at the recent Antipodes Festival in Melbourne when he expressed the outrage of Cyprus at the member's behaviour. Cyprus is shocked and appalled that a Victorian member of the federal Parliament should show such a blatant disregard for the Cypriot laws and the United Nations conventions and resolutions. The member of Parliament has acted illegally and irresponsibly, and should be condemned by Australia. He should be severely reprimanded by his party leaders.

Mr Nardella — On a point of order, Mr Acting Speaker, the Leader of the Opposition has just referred to a member of federal Parliament. I ask you to rule that the matter is not within the jurisdiction of the Premier because the Leader of the Opposition is talking about, firstly, an international offence in Cyprus, and secondly, a member of federal Parliament for whom the Premier cannot be held responsible.

The ACTING SPEAKER (Mr Savage) — Order! The Leader of the Opposition has not named the federal member, but if he does he would fall within that particular point of order.

Dr NAPTHINE — The member of Parliament has acted illegally and irresponsibly and should be condemned by the leaders of his party. The member is Victorian Senator Stephen Conroy — —

Mr Cameron — On a point of order, Mr Acting Speaker, the Leader of the Opposition is clearly flouting the ruling you have made. Your express ruling was that he could not refer to a particular member of Parliament, but he has deliberately flouted your ruling and named the member of Parliament.

Dr NAPTHINE — On the point of order, Mr Acting Speaker, the issue I raise is for the Premier as the minister responsible for multicultural affairs. I have asked the Premier to apologise to the Victorian Greek and Cypriot communities for the irresponsible and illegal actions of that person. This is to promote multicultural harmony within our community. The Greek and Cypriot communities are important parts of our community. They have been insulted by the action and the Premier, as the Minister for Multicultural Affairs, is responsible for promoting racial and ethnic harmony in our society. He is responsible as the Minister for Multicultural Affairs in Victoria to ensure that Victoria is a place of multicultural harmony.

Therefore, it is absolutely appropriate for me to raise this with the minister responsible and ask him to take action to apologise to the Greek and Cypriot communities within — —

The ACTING SPEAKER (Mr Savage) — Order! The Leader of the Opposition is debating the point of order. I uphold the point of order. I do not believe it is an issue that is appropriate for the adjournment debate.

Toxic waste: disposal

Ms LINDELL (Carrum) — The issue I raise — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! I ask honourable members to refrain from interjecting while the honourable member is on her feet.

Ms LINDELL — I raise an issue for the attention of the Minister for Major Projects and Tourism. I ask the minister to take action to ensure that the community is kept informed about and is involved in the comprehensive development of a hazardous waste disposal system.

The minister may be aware that the honourable member for Mordialloc has embarked on a campaign of misinformation on this important community problem. It is regrettable that the opposition has stooped to such a doggedly negative and divisive attitude that simply says, 'Don't put it here. Put it over there'. It is the absolute nimby — not in my backyard — strategy. It is a lazy approach employed by people who are either

unable or unwilling to tackle substantial policy development processes.

The community is well aware that the disposal of hazardous waste is a big issue right across Melbourne. It needs a commitment from all the stakeholders if a fair and transparent process is to be developed. Fortunately the community is more realistic than members opposite, who have refused to participate in sensible collective decision making.

The community understands that most industrial processes produce waste that needs to be disposed of. There are large industrial areas in south-eastern suburbs such as Braeside, Seaford, Dandenong and Hastings. The safe disposal of industrial waste is of paramount concern not only to industry and its workers but to people in the wider community.

It is a shame that although the opposition refuses to get involved in this process — —

Honourable members interjecting.

Ms LINDELL — We have a collective community problem here, guys, but you want to play politics.

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

Banks: closures

Mr LUPTON (Knox) — I raise a matter for the attention of the Treasurer — and before I go any further I should say that I am a shareholder of the National Australia Bank. The matter relates to a letter I received from the National bank about its branch at Wantirna South, which is to close on 11 April. I noticed in the local paper that the National bank branch at Studfield is also going to close. I received another letter indicating that the National bank branch at Boronia would close on 13 June.

I would have thought that three National bank branch closures would have rather drastic consequences for the Knox electorate. However, from examinations I made after receiving the letter advising me of the closure of the Wantirna South branch, I found that that branch closed some years ago. No wonder it had a decline in customer traffic and over-the-counter transactions! The bank's letter was referring to the Studfield branch.

My concern is that both the Studfield and Boronia branches were busy. I can accept the fact that the lease on the Studfield property has expired. However, the Boronia branch, which always had long queues, appeared to be doing a lot of business.

The interesting part of the letter is that it tells me that customers being able to use EFTPOS machines, ATMs and local post offices is considered to be a good enough reason to close the banks.

I believe that across Victoria banks are treating communities with disdain. The people of Victoria are concerned about this issue.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member must ask for some action.

Mr LUPTON — At the start of my contribution I asked the Treasurer to investigate the closure of branches. The fact that members opposite do not know what is going on does not mean that everybody else in the place has to be the same. I am concerned that the National Australia Bank is closing branches in the electorate of Knox, and I believe it is closing them throughout Victoria. I ask the Treasurer to investigate the matter and see whether, as a state Parliament, we can do anything about the ridiculous closure of branches in the Knox electorate and throughout Victoria. If members opposite are not interested in saving banks, they should be ashamed of themselves.

Ms Lindell — On a point of order, Mr Acting Speaker, my understanding of the adjournment debate is that issues raised are to be in the general field of matters for which a state minister would be responsible. Banking is obviously a federal issue.

Mr Smith interjected.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Glen Waverley will refrain from interjecting. The honourable member for Carrum is entitled to be heard in silence on a point of order.

Ms Lindell — I seek your guidance on the matter, Mr Acting Speaker.

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

Mr LUPTON — Members opposite lost the State Bank when they were in government.

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

Rail: school excursions

Mr HOLDING (Springvale) — I raise for the attention of the Minister for Transport a matter concerning the school excursion yearly ticket scheme run by Bayside Trains. I ask the minister to urgently

take up with Bayside Trains the abolition of these tickets with a view to having them reinstated.

For the benefit of honourable members I will briefly provide some background. The school excursion yearly ticket scheme has been made available to secondary colleges throughout Victoria for the cost of approximately $1398 per annum. Bayside Trains stopped the scheme in January, and so far as I can ascertain none of the schools that previously used the scheme was provided with any forewarning that Bayside Trains intended to stop making the tickets available. In place of the scheme ticketed concession prices are offered for students who would in the past have been eligible for the school excursion yearly ticket.

Springvale Secondary College has taken up the issue with Bayside Trains on two occasions, and as recently as 9 March it was told that Bayside Trains no longer intended to make the tickets available because too few schools made use of them. The school was told, to use the company's words, that the tickets were not viable.

School excursion yearly tickets gave schools, particularly disadvantaged schools or schools with a broad mix of students from a range of socioeconomic backgrounds, such as many of the schools in my electorate, the opportunity to provide low-cost excursions to students. Honourable members would appreciate that providing them with an opportunity to participate in a comprehensive school excursion program is a positive and beneficial way of making sure that students in all Victorian schools are able to enjoy being involved in a range of educational experiences outside the classroom.

Springvale Secondary College is located opposite the Springvale railway station, so using public rail transport is very simple and accessible, and previously was a low-cost way of making sure that as many students as possible could be taken on school excursions in an affordable way.

I seek the minister's urgent attention to take up this matter with Bayside Trains to ensure the reinstatement of school excursion yearly tickets as soon as possible so that Springvale Secondary College and other schools that have used the scheme in the past can continue to provide the broadest range of excursion opportunities to all of their students.

Disability services: student transport

Mrs ELLIOTT (Mooroolbark) — I ask the Minister for Community Services to restore a bus service so a six-year-old boy will not have to spend 4 hours a day travelling to and from school.

Brinley Stephens attends the Burwood East Special Developmental School and lives with his parents in North Balwyn. The office of the honourable member for Box Hill referred this matter to me. His mother has provided me with a copy of a letter she has written to the Minister for Community Services in which she states that Brinley is on the bus for more than 4 hours each day, that he leaves home at 7.10 a.m. and does not arrive back until at least 4.50 p.m. and sometimes later. She quotes an occasion during the summer when he arrived home on a hot Friday evening at 5.20 p.m. She states in the letter that Brinley is of slight body weight and that he suffered from pneumonia during the year and is not able because of regulations to be fed or to have a drink while he is on the bus. He arrives home so distressed on many occasions that he is unable to eat — a very unhappy situation indeed.

Brinley's parents feel that the Burwood Special Developmental School provides him with the best opportunities to maximise his chances in life. Apparently there were four buses providing a service to Burwood East Special Developmental School last year after the minister intervened, and this year the service has been reduced to three. Many children use the buses; they come from a wide range of areas, and I have no doubt that Brinley is not the only child who has to travel for so long during the day.

As Brinley's mother points out, his age peers who go to normal schools have a much shorter day than Brinley has. She concludes:

> … I would be grateful if you could pursue this matter to ensure that attending school is an opportunity for him, not a terrible ordeal for him and his family. There seems little point in making great efforts for equality of education to be available to children with a disability if the process of travel ensures that a child will not learn and grow, but will suffer.

I call on the minister to take urgent action to ensure that Brinley is able to travel to and from school in much less time than 4 hours per day.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member for Ballarat East has 20 seconds.

Rail: regional links

Mr HOWARD (Ballarat East) — I ask the Minister for Transport to take action to ensure that the fast rail project which is proposed for regional Victoria continues to stay on track — —

Honourable members interjecting.

Mr HOWARD — And for him to do all he can to counter attempts by the opposition to sabotage this significant project. It a matter of great concern to regional residents.

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

Responses

Mr BATCHELOR (Minister for Transport) — The honourable member for Clayton raised with me a problem that he has identified in his electorate, it having been brought to his attention by a number of constituents. A petition has been presented requesting the installation of traffic lights at the intersection of Centre Road and Knight Street and the removal of pedestrian signals on Centre Road east of Frank Avenue in Clayton.

The honourable member for Clayton is actively involved in his local community and it is appropriate that his constituents should seek him out to address their safety and access concerns. The government through Vicroads will be keen to investigate the cause of those issues.

As I understand, regional Vicroads officers have already spoken to a couple of the proponents of this petition — a Mr Douglas Reeve and a Mr Laurie Giacobbe. Their concerns relate to the safety of the pedestrian signals near Frank Avenue due to some vehicles having driven through the red light. They have also expressed concerns about delays relating to vehicles and about the safety of pedestrians crossing Centre Road at the Knight Street intersection. As the honourable member for Clayton would know, shops, a church and a doctor's surgery are all close to the intersection.

What needs to happen will be the subject of further examination by Vicroads. However, of interest to me is the fact that as a consequence of the traffic concerns that have been raised in local discussions, Vicroads will investigate the safety of the pedestrian signals and the need for traffic lights at the Centre Road and Knight Street intersection. We hope to have these investigations completed by next month, and I will advise the honourable member for Clayton of their outcome.

With respect to the location of the pedestrian signals east of Knight Street, I am advised that the Kingston City Council has carried out a survey of pedestrian crossings near Centre Road, which revealed that there are sufficient numbers of pedestrians using the crossing and, accordingly, the existing location is considered appropriate. I thank the honourable member for Clayton for raising these matters on behalf of his constituents. They can look forward to ongoing support from the honourable member on these and other matters.

The honourable member for Springvale raised the cancellation of the school excursion fare. As he accurately described it, this was an annual ticket that was designed specifically to enable teachers to take school students on excursions on public transport. It allowed 4 teachers and up to 33 students to travel on public transport. Unfortunately this ticket was among a group of tickets that were declared unregulated fares by the Kennett government during the public transport privatisation process. Under the Kennett government's franchise agreements, private operators were not required to continue to offer these unregulated tickets, and tragically, as the honourable member for Springvale pointed out, a number of these tickets have since been withdrawn — and the school excursion ticket was one.

I have also been told that not only the Springvale Secondary College but also the Noble Park English Language School used the tickets. I will ask my department to follow up the issue with National Express, which runs the Bayside network, of which these schools are part. I have sought advice on the practicality of reintroducing the school excursion ticket. If that is not possible I will ask Bayside Trains to examine alternative cost-effective options that may be open to each of these schools. In my view it would be appropriate for National Express's school liaison officer to contact both the schools that have been affected by the decision to withdraw the ticket in order to discuss practical and alternative ticketing options.

I thank the honourable member for Springvale for looking after his constituents. I hope that Bayside Trains is able to take up these issues to the advantage of those schools, which in the past had expressed interest in these tickets.

The honourable member for Footscray raised with me the reduced loop and expressway service in Seddon and Yarraville. It is necessary to understand that each of the private operators is required to meet passenger service requirements under the terms of their contracts.

Essentially, this issue is about the minimum headway between services. To meet these passenger service requirements each operator is required to regularly review its timetables to offer the best possible outcome for passengers. The difficulty with the inner west part

of the train network is that there are high volumes of rail traffic running through the area. They included not only the Werribee, Altona and Williamstown lines but a significant number of country and interstate passenger trains as well as freight movements. The timetable and logistic planning through Spotswood, Yarraville and Seddon is complex.

I will take up this issue with Bayside Trains again because the increase in the average time of services from 18 minutes to 20 minutes is a decline in services, although it is still within the company's existing franchise arrangements. I am aware that this is a reduction in service and I will ask the Department of Infrastructure to seek a detailed explanation about what has happened and why Bayside Trains feels this is necessary. I will ask Bayside to consider this matter when it carries out its next review of the timetable, which I am advised will be in July this year.

The honourable member for Ballarat East raised with me the attempted sabotage of the very popular regional fast-rail project by the honourable member for Mordialloc. The project is widely accepted because the government has made a commitment of some $550 million. The Premier has announced that already, and as honourable members would know, the project relates not just to Ballarat, as is obvious by the comments made by the honourable member for Ballarat East, but also to Bendigo, Geelong and Traralgon.

This is the biggest rail project in Victoria since the construction of the underground loop in the 1970s. The project is on track and under way. Expressions of interest will be sought from the private sector, we hope next month, and as a result a tender process will commence later this year, perhaps in September or October, with contracts to be finalised early in the new year.

The matter of real concern articulated clearly by the honourable member was the attempted sabotage of the proposal by the honourable member for Mordialloc. Not only he but other members of the Liberal and National parties have tried to undermine the project. They should have drawn to their attention a sobering editorial in the Ballarat *Courier* of 27 March this year.

In that editorial the Ballarat *Courier* calls for bipartisan support for this project because of the benefits it will bring to regional Victoria, particularly Ballarat. It says:

> … those who gleefully seize upon every setback and unexpected obstacle as a fresh flail for the government are in danger of casting themselves as part of the problem and not the solution.
>
> Opposition transport spokesman Geoff Leigh would appear to be at risk of painting himself into this particular corner with his recent claim …

The editorial went on to say the comments:

> … appear to be expressing a distressing lack of faith in regional Victoria and in Ballarat in particular.
>
> … it would appear foolhardy for the opposition to question the value and viability of an initiative that has been so actively supported by so many disparate elements within the local community.

This editorial sends a constructive message. One only hopes the members of the opposition in this Parliament tonight, particularly the Leader of the Opposition, take heed of this sensible country advice from Ballarat and instead of sabotaging this campaign get behind it. It is a terrific campaign, and members opposite should be supporting it rather than trying to undermine it.

The ACTING SPEAKER (Mr Savage) — Order! The Leader of the Opposition raised a matter about multicultural affairs and the Premier. I erred in overruling that issue. It is relevant and I will ask the minister at the table to address it.

Mr PANDAZOPOULOS (Minister for Major Projects and Tourism) — The honourable member for Carrum highlighted another misinformation campaign being waged by opposition members, this time in relation to hazardous waste issues. The members for Mordialloc and Cranbourne and the Honourable John Ross, a member for Higinbotham Province in the other place, are behind this campaign.

I would like to highlight to the house the importance the government places on the management of hazardous waste. There is no doubt that it is a complex and important matter. It is important for the community and for industry, because so many businesses rely on hazardous waste being dealt with. The government wants a new regime that focuses on getting industry to reduce the amount of waste. There will be no more landfills, but rather high-tech recycling and containment facilities.

The government is committed to an open and transparent process that consults the community and learns from the failures of the past, such as the failure of the previous government with its Werribee proposal. It attempted to impose that proposal on the community, and the proposal was subsequently withdrawn by the project's proponent.

The previous government set up the Hazardous Waste Consultative Committee, which the Labor Party continued when it came into government. The

government accepted the committee's recommendations, one of which concerned the need to establish a hazardous waste siting advisory committee. Its main role is to consult with stakeholders and industry about the process. However, the provision of accurate and comprehensive information to the community is very important, and that is a key role for the siting advisory committee.

It is a shame that opposition members do not treat this issue seriously. They had an opportunity in their time in government to address these matters but their approach failed and a new one is needed. An article headed 'Toxic waste here' appeared in the *Chelsea Independent* on 2 April. It refers to contaminated soil going from Docklands to Lyndhurst. The article suggested that the government was turning a blind eye to toxic material travelling down White Street and Governor Road. It is important that I address that matter for the honourable member.

The objective of the hazardous waste strategy is to get less hazardous waste by effectively reducing the amount of toxic material used by industry and recycling it. If the technology is not available and the material cannot be recycled, then it needs to be safely contained so that it might be recycled at some time in the future. The objective is to have less hazardous waste on roads to be disposed of or even recycled.

Why would trucks from Docklands be going down the Nepean Highway when they can get straight on to City Link, go down the Monash Freeway, get off at the South Gippsland Highway at Hampton Park and turn right into Abbotts Road to go to the Lyndhurst tip? I do not know why they would want to add time to their trip by going down the Nepean Highway.

There has been some misinformation spread about 400 000 tonnes of toxic material coming from Docklands. If 400 000 tonnes of toxic material was to be dug up from Docklands there would not be much left of Docklands. They might be talking about cubic metres because 240 000 cubic metres has been taken out of the old West Melbourne gasworks site at Docklands, 85 per cent of which is going to Lyndhurst.

When was the contract signed for toxic waste from Docklands to go out to Lyndhurst? It was signed in August 1999 under the previous government — and the Bracks government has to continue that. The government's objective is to have less waste in high-tech facilities and to recycle it. At the moment 40 per cent of the prescribed waste going to Lyndhurst and Tullamarine is soil that can be recycled. If we can get industry to recycle that soil it will mean less waste going out into those areas.

A misinformation campaign continues to be run. An article in the *Dandenong Examiner* of 3 April under the heading 'Probe into toxic waste transport' states that the ALP members of Parliament in the area were again turning a blind eye to toxic soil from the gasworks site at Docklands being dumped at Lyndhurst. Time and again opposition members are not only spreading misinformation but are no doubt doing so deliberately. On 3 April 1999 the honourable member for Higinbotham Province in the other place, Dr John Ross, referred to the life of the Lyndhurst facility being extended by 20 years. Opposition members make it up as they go along. It is a deliberate scare campaign.

The Lyndhurst facility is a prescribed waste facility and will take 25 per cent of the prescribed waste under a contract inherited by the government. It was signed in 1991 and was supported by the then Shire of Cranbourne. The honourable member for Cranbourne was a member of the council at the time. The facility has existing rights and probably has a life of two to three years at the current rates of usage rates.

The government is about resolving such issues with the community. I refer to comments made by Dr John Ross in the other place on 21 April 1999. He is reported as having said:

> The opposition has offered no solutions on the disposal of prescribed waste that cannot be handled other than by disposal to landfill and is simply feeding the hysteria in the community associated with the so-called toxic waste.

Dr Ross is further reported as having said:

> The extent to which community ire can be raised by a carefully targeted program of misinformation and hypocrisy was recently shown by the furore surrounding the proposal by CSR to establish a prescribed waste landfill in the City of Wyndham. The furore is now spreading to Niddrie and Lyndhurst. What is the Labor Party doing?

The same person and the honourable member for Mordialloc are now using a deliberate misinformation campaign, while the government is trying to fix up the mess the former government left behind.

I thank the honourable member for wanting to put the record straight for her electorate and the south-east. The government has inherited a terrible mess in the handling of toxic waste. The government is fixing up schools, hospitals and the police force, and it is trying to fix up the handling of toxic waste.

Mr Acting Speaker, as Minister assisting the Premier on Multicultural Affairs, I am also happy to deal with the issue raised by the Leader of the Opposition.

The ACTING SPEAKER (Mr Savage) — Order! I take it the Minister for Major Projects and Tourism is going to address the issue raised by the Leader of the Opposition?

Mr PANDAZOPOULOS — As the Minister assisting the Premier on Multicultural Affairs.

Dr Napthine — On a point of order, Mr Acting Speaker, the issue was raised with the Minister for Multicultural Affairs, who is also the Premier, and I would expect him to respond. Occasionally the Premier chooses not to be in the chamber during the responses, and at that time it would be appropriate for the minister at the table to refer it to him.

Mr Cameron — On the point of order, Mr Acting Speaker, and relating to your ruling that you erred in your original ruling, I draw your attention to the statement made by Mr Speaker at the commencement of the adjournment debate yesterday, in which he clearly set out that a member may raise one matter only and that it must relate directly to the administrative responsibilities of a state minister. That ruling relates directly to this issue because the matter raised does not fall directly within the administrative capacity of the minister, in this case the Premier.

Mr Acting Speaker, the proposition being put is that the Premier is somehow — —

The ACTING SPEAKER (Mr Savage) — Order! I will stop the minister now because the point of order was on whether the Premier should be here to answer the question. The protocol is that if the Premier is not here it can be referred to him to be answered at a later date, and I ask for that course to be taken here. I understand that is the process that has been followed in the past.

Ms Kosky — On the point of order, Mr Acting Speaker, I understood that — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! Will honourable members remain quiet while the point of order is being put! I do not know what the point of order is.

Ms Kosky — I understood that the minister at the table would respond and has always responded to all matters when the relevant minister is not present. I take it from what has been said that the Leader of the Opposition is not really interested in a response — —

The ACTING SPEAKER (Mr Savage) — Order! I have already ruled on that point of order. My advice is that it is a form of the house that it can be referred on. I will take no further points of order on that issue.

Ms CAMPBELL (Minister for Community Services) — The matter raised by the honourable member for Mooroolbark referred to a school bus service for a special development school. Finally the honourable member for Mooroolbark has raised a matter in the adjournment debate, but unfortunately it is not the responsibility of the Minister for Community Services — it is the responsibility of the Minister for Transport. I will refer the matter to the Minister for Transport and will join in efforts to ensure that Brinley receives an appropriate bus service.

Mr CAMERON (Minister for Local Government) — The honourable member for Warrandyte raised a matter for the attention of the Minister for Education, and I shall refer the matter to her.

The honourable member for Rodney raised a matter for the attention of the Minister for Environment and Conservation, and I shall refer it to her.

Mr Honeywood — On a point of order, Mr Acting Speaker, I raised this matter with the Minister for Education. Unless she is playing truant and has gone home early, I would have thought she would be here to respond.

The ACTING SPEAKER (Mr Savage) — Order! The honourable member knows that is not a point of order, and there is no compulsion for ministers to be present during the adjournment debate.

Honourable members interjecting.

The ACTING SPEAKER (Mr Savage) — Order! Do honourable members want to go home? If they do, I suggest they refrain from interjecting.

Mr CAMERON — The Leader of the Opposition raised a matter for the attention of the Premier. Apparently someone visited Cyprus and others have taken offence. I shall refer that matter to the Premier. However, I point out that this matter involves international fares and does not fall within the administrative responsibilities of the state.

The honourable member for Knox raised a matter concerning the National Australia Bank. As he will be

aware, banking is a federal responsibility and, although the state has no jurisdiction here, it would appear the honourable member for Knox has an opportunity to present this matter more directly by attending the annual general meeting of the National bank as a shareholder. I appreciate that the closure of banks is unacceptable in many areas, and the growth of the Bendigo Bank has been very much a part of the reason for that, but I suggest he should do two things: firstly, go to the annual general meeting; and, secondly, back an enforceable code of conduct for banks.

I suspect the best thing he can do is to vote for Kieran Boland in the seat of Aston. Mr Boland is out there, he believes in an enforceable code of conduct, and he has visited the other banks seeking assurances that they will not close. I congratulate Kieran Boland on the work he does, and the honourable member for Knox can do something by voting for him.

Motion agreed to.

House adjourned 2.02 a.m. (Thursday).