PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-FOURTH PARLIAMENT

FIRST SESSION

5 April 2001

(extract from Book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

Lady SOUTHEY, AM

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FIFTY-FOURTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
The Hon. D. V. NAPTHINE

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The Hon. LOUISE ASHER

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Mr P. J. RYAN

Deputy Leader of the Parliamentary National Party:
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Campbell, Ms Christine Mary	Pascoe Vale	ALP	Maxfield, Mr Ian John	Narracan	ALP
Carli, Mr Carlo	Coburg	ALP	Mildenhall, Mr Bruce Allan	Footscray	ALP
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Delahunty, Mr Hugh Francis	Wimmera	NP	Pandazopoulos, Mr John	Dandenong	ALP
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Honeywood, Mr Phillip Neville	Warrandyte	LP	Smith, Mr Ernest Ross	Glen Waverley	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Spry, Mr Garry Howard	Bellarine	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Steggall, Mr Barry Edward Hector	Swan Hill	NP
Ingram, Mr Craig	Gippsland East	Ind	Stensholt, Mr Robert Einar [2]	Burwood	ALP
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
Kilgour, Mr Donald	Shepparton	NP	Trezise, Mr Ian Douglas	Geelong	ALP
Kosky, Ms Lynne Janice	Altona	ALP	Viney, Mr Matthew Shaw	Frankston East	ALP
Kotsiras, Mr Nicholas	Bulleen	LP	Vogels, Mr John Adrian	Warrnambool	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	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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THURSDAY, 5 APRIL 2001

Thursday, 5 April 2001

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

PAPERS

Laid on table by Clerk:

Statutory Rules under the following Acts:

Corporations (Victoria) Act 1990 — SR No. 27

Supreme Court Act 1986 — SR Nos 26, 27

Wildlife Act 1975 — SR No. 25

Subordinate Legislation Act 1994:

Minister's exception certificates in relation to Statutory Rule Nos 26, 27

Minister's exemption certificate in relation to Statutory Rule No. 23.

BUSINESS OF THE HOUSE

Adjournment

Mr BATCHELOR (Minister for Transport) — I move:

That the house, at its rising, adjourn until Tuesday, 1 May.

Motion agreed to.

MEMBERS STATEMENTS

Drugs: marijuana

Mrs PEULICH (Bentleigh) — A problem that is frequently brought to my attention is marijuana use by young people, both young women and increasing numbers of young men. Parents and families come to me desperate to find some sources of help for their sons and daughters, whose lives they see falling apart. Parents see their children progressively drift away from families, drop out of school or university, give up jobs, socialise through the night, sleep during the day and begin to show a range of physical and mental health problems.

The Minister for Health has recently announced in this house several initiatives to curb smoking, especially among young people. At yesterday's conference on drugs at the Melbourne Convention Centre a project on cannabis psychosis was presented. Ms Elkins, the project coordinator, said cannabis is the most abused drug in its group, with more than 50 per cent of users being unable to quit using the drug even after serious psychotic episodes.

The parents in my community and, I am sure, every honourable member of this house are desperate that initiatives to counter the problem of marijuana use among young people be implemented by the Minister for Health. The users are a lost generation of young people, yet we sit here and do nothing.

Bill Jones

Mr TREZISE (Geelong) — I take this opportunity to record that Mr Bill Jones of Drysdale died on 24 March. Bill was one of those people who spent their lives caring for others and making his community a better place to live. I assure Parliament that on the day Bill died the working class, those in need, and the town of Drysdale lost one of their greatest advocates.

Bill was born in 1925 in Liverpool, England, and served his country in the Second World War on HMS *Pursuer*. Following the war Bill eventually settled at Drysdale with his family and began a long-term teaching career. I am proud to say that I first met him when he was my teacher in grade 4 at the Newcomb Primary School.

Although Bill was a member of many organisations, he was not a member for the sake of being a member. Bill was one of those people who joined an organisation because he had something to contribute, and contribute he did. He made a difference. Bill was a long-term serving member of the Returned and Services League state executive and was president of the Geelong Australia Day committee for 26 years. He served on the former Bellarine shire council and as shire president for two years, was president of the North Bellarine Hostel for the Aged, was the founding member of the Bellarine Netball Association, and had been a proud member of the ALP since 1951. In later years he and his beloved daughter, Catherine, contributed significantly to environmental issues in the Geelong region.

Bill Jones was a great man. He made a difference to this world for the better and will be sadly missed by all who knew him. My condolences to his wife, Beryl, and children David and Catherine.

Notices of motion

Mr RYAN (Leader of the National Party) — I rise to advise the house that yet another outrage has been committed on this Parliament and the people of Victoria by the government because in the dead of night it has done it again. Not only did it introduce amendments to the whistleblowers legislation, it has

butchered the notice paper. The five motions the government saw fit to introduce in its first breath when it came into government to deal with infrastructure in Victoria, matters of justice, the health system, education, teachers and the police have been removed from the notice paper.

The National Party has been trying to persuade the government to debate these issues over the past week, but it took them off the notice paper in the dead of night. Parliament wants to know how it was done. I understand the government is required to write to you, Mr Speaker, on behalf of each of those who moved the motions to enable them to be withdrawn. National Party members want to see the letters and the people of Victoria want to see what the government has done. It has not the courage to debate its own five motions and has yet again pulled the wool over the eyes of the people of Victoria. This lot is a pathetic mob!

If ever confirmation of it was needed, honourable members have it in front of their eyes. Anybody who witnesses the drivel coming from government members can see for themselves. Does this demonstrate how strongly government members view the importance of issues it says really matter to it? They will not even debate their own government business — —

The SPEAKER — Order! The honourable members time has expired.

Notices of motion

Mr BATCHELOR (Minister for Transport) — I have just witnessed one of the most hypocritical and pathetic outbursts ever seen in this chamber. We had a late sitting last night because the Leader of the National Party wanted to delay the program of the Parliament. He has woken up this morning, presumably with some sort of a headache because he forced Parliament and its staff to work late, and has come in here and behaved in the most outrageous way. He spent the last 48 hours wasting thousands and thousands of dollars by forcing the staff to work into the wee hours of the morning and is now pretending to be angry. He spent the last 45 minutes practising his speech in front of a mirror. It was the most pathetic and weak speech I have ever heard. Not only that, but throughout the contributions yesterday opposition member after opposition member pleaded with the government to take the notices of motion off the business paper.

One after another members of the National and Liberal parties have pleaded with the government to remove them, and when it does they cry like puppies. They are the most pathetic pack of dogs I have ever seen.

Honourable members interjecting.

The SPEAKER — Order! The clock has been stopped. I ask the house to come to order. I ask the minister to conclude his remarks.

Mr BATCHELOR — It is the most pathetic display I have seen. It is a fraud.

The SPEAKER — Order! The minister's time has expired.

Notices of motion

Dr NAPTHINE (Leader of the Opposition) — I join my colleague the Leader of the National Party to express the outrage of the Liberal Party and of Victorians at the removal from the notice paper of five notices of motion. I particularly draw the attention of the house to notice of motion 2, which was withdrawn last night and which refers to secret deals, a lack of transparency and a commitment to open government. In the middle of the night the government withdrew the notice of motion, making it impossible for Parliament, and therefore the people of Victoria, to debate it.

The notices of motion are listed as government business and they were placed on the notice paper by the Premier, the Attorney-General, the Minister for Health, the Minister for Education and the Minister for Police and Emergency Services. For the past two days the opposition has wanted to debate them, not to have them secreted away in the middle of the night or taken off the notice paper without discussion or debate.

The community wants debate on services and the decline in regional and rural infrastructure; it wants debate on secret deals and lack of transparency; it wants debate on the mismanagement of Victoria's health system under this minister; it wants debate on the mismanagement of the education system; and it wants debate on the mismanagement of the system of law and order. It is not for the government to have the notices of motion listed on the notice paper and then withdraw them in the middle of the night simply because it does not want to — —

The SPEAKER — Order! The Leader of the Opposition's time has expired.

Mafeking Rover Park camp

Mr HARDMAN (Seymour) — I will bring some sense to the house by speaking about the Federation camp held last weekend at the Mafeking Rover Park at Caveat, between Highlands and Ruffy in the Strathbogie Ranges. Some 1200 scouts from across

northern Victoria, together with 200 leaders and parents who volunteered to help the kids enjoy their activities, attended the camp.

The camp offered a number of activities, including old-fashioned markets, entertainers and the usual camping and cooking and all the things scouts do. Mafeking Rover Park has been operated and developed over the years by a group of 18 to 26-year-olds, which is the age group for rovers. They have developed a mud-bash track and conduct an annual mud bash for some 2000 people. The Highlands and Caveat Country Fire Authority unit has collected funds by rattling tins at the camp gates, and the rovers have developed a good rapport with the local community. Halls, catering and sleeping facilities, and a BMX track have all been developed there.

It is a fantastic complex on the border of my electorate and the Benalla electorate. The camp is great for the state, and I encourage people to have a look at it.

South Barwon: police and emergency services

Mr PATERSON (South Barwon) — Despite the ALP's chest beating at the last state election it has been confirmed by the Police Association that not one additional police officer has been employed in the Geelong region. Residents of that region and the Surf Coast well remember the hollow promises by the Labor Party about police manning levels. It is clear that those promises were a hoax, and it is even clearer that the government has cheated the region.

Emergency services in South Barwon have been neglected under Labor. The government is still dithering over the proposal for a 24-hour ambulance service at Torquay, where the population is exploding. A decision on that is long overdue. The existing Torquay police station is outdated, but there is still no news on a replacement station.

Despite the claims, Torquay's new CFA fire station has not been delivered. It is about time this grandstanding Labor government took community safety seriously, stopped the rhetoric and started delivering results. It could make a start by answering one simple question, 'When will the Geelong region be getting extra police as promised?'.

Ciro Lombardi

Mr SEITZ (Keilor) — I would like to place on the record my appreciation and that of the Keilor electorate of Mr Ciro Lombardi. Mr Lombardi migrated to Australia as a young man. He married and settled in St Albans and involved himself in community life throughout his years living in that area. He has been on school councils, he invented the name of the suburb of Kealba by naming the Kealba school, and together with his wife he played an important role with the youth of the area as a member for many years of the St Albans soccer club in a voluntary capacity. Then, later in life, he became a councillor and also mayor of the City of Keilor.

When the commissioners were dismissed in the City of Brimbank he was also a councillor of that municipality and was its first mayor, in which capacity he continued his commitment and his work for the region.

He is now no longer on the council, but he continues his voluntary work for the community, acting as a liaison officer with various clubs to assist them in their efforts to talk with officers and councillors of the City of Brimbank.

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

Bulleen Heights School

Mr KOTSIRAS (Bulleen) — I wish to convey the concerns of the parents and students of Bulleen Heights School, which is a special development school in the electorate of Bulleen. A number of parents have approached me expressing concern that the school will be closed and that their children with special needs will be forced to attend mainstream schools.

I have been advised that an inquiry was established, chaired by Miss Louanna Meyer from New Zealand, to look into the disability and impairment programs, funding models and resources and expenditure relating to specialists schools. I further understand that the review has been completed, but that the minister has not yet made any announcement. The concern about the review ties in with the fact that Labor Party policy on special schools in the 1980s was to close them.

I call upon the Minister for Education to take appropriate action to ensure that specialist schools such as Bulleen Heights continue to operate and serve the special and unique needs of its students. Bulleen Heights is a much-needed school. The school has an excellent standard of education and behavioural outcomes and excellent facilities for children and young people with autism or intellectual disabilities.

The SPEAKER — Order! The honourable member for Burwood has 25 seconds.

Liberal Party: parliamentary secretaries

Mr STENSHOLT (Burwood) — I wish to advise the house that I am writing to you, Mr Speaker, to ask you to investigate with some urgency the use by the opposition of the title of parliamentary secretary.

From the parliamentary web site it is evident that there are three supposed opposition parliamentary secretaries. One of my constituents has provided me with the parliamentary letterhead of the Honourable David Davis that gives him the title of parliamentary secretary. He is clearly not a member of the government or a holder of the office of parliamentary secretary under the relevant act, and his use of the title would appear to be misleading and could cause public confusion.

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

Mr Ryan — On a point of order, Mr Speaker, I seek your guidance on a matter of procedure. As I understand the standing orders, for the notices of motion such as those that until yesterday appeared under government business on the notice paper to be withdrawn, each of the five individual motions need to be made the subject of individual items of correspondence from the honourable members who moved them. Those five notices of motion sat on the notice paper for some 18 months, right up to this morning, at which time they suddenly disappeared.

I seek your confirmation that the standing orders have been complied with. I also seek a clarification from you about when the five individual movers, including the Premier, who initiated them 18 months ago, complied with standing orders by writing to you to ask that the respective notices of motion be withdrawn.

Mr McArthur — On the point of order, Mr Speaker, and in support of the Leader of the National Party on the importance of this issue, if those five members did not write and request the withdrawal of the notices that were moved in their names but it was done by somebody else, could you advise the house who did it, how it was achieved and under what procedures?

The SPEAKER — Order! On the point of order raised by the Leader of the National Party, the Chair refers honourable members to the last paragraph on page 329 of *May's Parliamentary Practice*, 22nd edition:

> A notice cannot be withdrawn from the notice paper of the day or the current issue of the future business paper in the course of a sitting; but by an intimation to the clerks at the table it can be withdrawn from a future issue.

The Clerk of the Parliaments received the following letter, dated 4 April, from the Leader of the House:

> Government business notices of motion
>
> I advise that the government wishes forthwith to withdraw government business notices of motion nos 1 to 5 inclusive presently standing on the notice paper. I accordingly request that such notices be removed from subsequent notice papers produced.

Therefore, there is no point of order.

Mr Ryan — On a further point of order, Mr Speaker, and on a matter of clarification, accepting entirely what you have just read, I understand the clear tenor of the provision is that the individual members responsible for having moved the notices of motion in the first instance should be the authors of the correspondence that serves to withdraw those notices. It seems a reasonable interpretation that that task cannot be undertaken by another individual, whomever that may be, on behalf of those members who moved the notices of motion in the first instance.

I seek your guidance, because in my view there should be five separate items of correspondence from those five individual members of Parliament, including the Premier, to achieve the end sought.

The SPEAKER — Order! On the point of order raised by the Leader of the National Party, I again refer honourable members to page 321 of *May's Parliamentary Practice*, 22nd edition, headed 'Procedure on notices of motion'. The second sentence states:

> A member of the government may act on behalf of a colleague in all cases.

An explanation follows. I am of the opinion that what the Leader of the House has done on this occasion complies with the practices as outlined and therefore is in order.

NOTICES OF MOTION

Mr McARTHUR (Monbulk) — I desire to move, by leave:

> That this house condemns the Bracks government for issuing instructions in the dead of night and effectively abandoning its interest in rural and regional Victoria.

Leave refused.

WHISTLEBLOWERS PROTECTION BILL

Second reading

Debate resumed from 4 April; motion of Mr HULLS (Attorney-General).

The SPEAKER — Order! As the required statement of intention has been made pursuant to section 85(5)(c) of the Constitution Act 1975 I am of the opinion that the second reading of this bill requires to be passed by an absolute majority.

Mr WYNNE (Richmond) — I support the Whistleblowers Protection Bill, a fundamental bill introduced by the Bracks government to provide protections for members of the public who seek to make disclosures in relation to wrongdoings by public officials and members of Parliament.

Last night we heard two contributions to the debate — one from the shadow Attorney-General and one from the Leader of the National Party. I would characterise the representations made by the Leader of the National Party as quite measured. He raised a number of issues, and in the time I have available today I hope to satisfy him on some concerns.

However, I have to say that the contribution made by the shadow Attorney-General was long on rhetoric, long on bluster, but fundamentally lacking in substance. In his contribution the shadow Attorney-General suggested that the government was sneaking this legislation into the house in the dark of night. Let the public record show that the reason the bill was debated so late in the evening was that at least 2½ to 3 hours of the day's proceedings had been taken up with ridiculous debate by the opposition about government business. Two and a half hours of the valuable time of this Parliament were wasted by the opposition trying to make ridiculous points of order about what order of government business should be undertaken for the day.

The government is very happy to debate this legislation, and I am delighted to have the opportunity to rebut some of the more outrageous accusations made by the shadow Attorney-General yesterday — in fact, earlier this morning.

The first matter I want to address is the question of consultation. The shadow Attorney-General indicated that the first time his party knew anything about the proposed amendments, which were really the basis of his contribution, was when the bill was introduced into the house a couple of days ago. As honourable members would be aware, the bill was read a second time late last year and laid over. The shadow Attorney-General indicated there had been no consultation with the opposition parties. I am here to inform the house that in fact on 3 November last year the government commenced consultations with the opposition about the proposed amendments. A meeting was held — —

Mr Baillieu interjected.

Mr WYNNE — Just wait on, Ted; you'll get all this. A meeting was held between the shadow Attorney-General — —

Mr Smith — On a point of order, Mr Acting Speaker, the latest amendments were brought in only after the shadow cabinet meeting on Monday morning. They are absolute hypocrites!

The ACTING SPEAKER (Mr Lupton) — Order! I do not believe there is a point of order.

Mr Maxfield interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Narracan will try to restrain himself. I was late to bed last night like everybody else, so things will be very tight this morning. The honourable member for Richmond, without interjection.

Mr WYNNE — In fact, consultation did occur on 3 November with the honourable member for Berwick — the shadow Attorney-General — and Mr Furletti in another place. At that meeting they were briefed on a number of issues, including the proposed whistleblowers amendments. They were briefed by one of the advisers to the Attorney-General, Ms Elena Campbell, and the assistant director of the criminal branch, legal policy in the Department of Justice.

At a previous briefing the opposition expressed concerns about the power being housed in the Speaker or the President as the base of referral to the Ombudsman.

Mr McIntosh interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Kew will address members in the house by their correct titles. I trust that is clear.

Mr WYNNE — At that briefing the opposition members were shown a flow chart that indicated the clear process by which the government was proposing to develop the amendment, which included a referral to the Privileges Committee. At that stage they had the chart, so the opposition members knew exactly what

the government was proposing to do in drafting this amendment.

What was the answer from the opposition? 'We don't have any problems with the way you are proposing to go forward, and if we do we'll get back to you'. Well, where have you been for the past six months?

Honourable members interjecting.

Mr WYNNE — On 3 November the opposition spokesmen expressed no concern about the amendments the government proposes to move today. They saw the flow chart and the way the government proposed to enact this legislation but expressed no concern whatsoever. The opposition's coming into this house last night and suggesting it had not been consulted before the formulation of the amendments is absolute hypocrisy!

What was the concern expressed at that stage by the honourable member for Berwick and Mr Furletti of the other house? They were concerned that the power of referral should remain with one person, that being the Speaker or the President.

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! Can we have a bit of decorum in the house, please!

Mr WYNNE — They said, 'We do not want to leave this in the hands of a potentially capricious President or Speaker'. That was the phrase that was used in those discussions.

Opposition members came into the house last night and spouted rhetoric about a failure of consultation. The government undertook consultation. As has been indicated by the honourable member for Kew, the bill has been laid over since August last year. The first time the government heard mention of any problem with the legislation was last night. It was a massive backflip and complete hypocrisy on the part of the opposition parties.

The other point that needs to be made is that the contribution by the shadow Attorney-General really went to the question of the Privileges Committee. In essence his contribution suggested that the Privileges Committee is basically biased. The shadow Attorney-General neglected to say that the Privileges Committee of this house at this stage is controlled 5:4 by the government, but in the upper house the situation is the reverse. The shadow Attorney-General suggested that the committee is not appropriate and threw into question the whole Westminster system as it affects the governance of this house.

Where is the appropriate place for members of Parliament to be dealt with on issues of concern about their behaviour? Clearly the long tradition of the Westminster system is that if it is believed somebody has committed a serious offence they should be dealt with by the Privileges Committee. That is the place where they should be dealt with. That is a proper governance structure that has been in place for hundreds of years. The shadow Attorney-General is putting into question the whole process of the Privileges Committee.

Dr Dean interjected.

Mr WYNNE — I am disappointed that the shadow Attorney-General was not here earlier to listen to the start of my contribution. He was outside doing a radio interview and peddling the same claptrap about the opposition not being consulted. Well, shadow Attorney-General, you were consulted!

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Richmond will address his remarks through the Chair. I have acknowledged that we had a late night last night, but I intend to maintain order in this place.

Mr WYNNE — You were consulted, shadow Attorney-General, on 3 November.

Mr Maughan — On a point of order, Mr Acting Speaker, the honourable member for Richmond has ignored your ruling. You have just ruled that he should address his remarks through the Chair, and I suggest you bring him back to order.

The ACTING SPEAKER (Mr Lupton) — Order! I uphold the point of order. I ask the honourable member for Richmond to direct his remarks through the Chair. I ask him to adhere to that ruling.

Mr WYNNE — The bill is significant legislation and the passing of it is important because it further emphasises the commitment of the Bracks Labor government to an open and accountable system of government. It is known from notable cases in the past that whistleblowers come forward at great personal cost to themselves and their families, and most often they do so out of a strong sense of public duty and because of high personal ethical standards.

Adequate protection has not been afforded them, as their personal experiences, such as job losses or at least suspension from their normal activities, attests. It is

likely that that lack of protection acts as a deterrent to potential whistleblowers. The public interest is adequately protected through the bill, which actively encourages members of the public to come forward if they believe on reasonable grounds that a public officer or public body has engaged in improper conduct. The definition has been framed to encourage and facilitate disclosure of matters such as corrupt conduct and substantial mismanagement of public resources, which have significant public interest elements.

They are serious matters. The legislation makes it clear that public interest disclosures are about serious wrongdoings. Clause 3 defines the types of conduct that would warrant disclosure — corrupt conduct and improper conduct. Corrupt conduct refers to conduct that may adversely affect the honest performance of a public officer, conduct that amounts to dishonest performance of a public officer, breaches of public trust and misuse of information, and so on. Improper conduct covers matters such as the substantial mismanagement of public resources, conduct involving substantial risk to public health or safety or conduct involving substantial risk to the environment.

The bill allows for disclosures to be made by any member of the community who believes on reasonable grounds that a public body or public officer has engaged or will engage in improper conduct or detrimental action. To facilitate the making of disclosure the bill provides potential whistleblowers with a choice: they may, with the exception of disclosures about members of Parliament, lodge their complaint with the Ombudsman or the relevant public body. Anyone may make an anonymous disclosure. The Ombudsman will determine whether disclosures meet the criteria for protection under the bill.

A number of issues were raised by the Leader of the National Party, and I have some detailed responses for him that I may not have the opportunity to provide in my contribution this morning. He asked some important questions about complaints against members of Parliament. I have attempted to cover those points in this contribution.

The shadow Attorney-General asked some questions about parliamentary privilege, and I have answers to those questions. Entry to premises was also raised, and the Ombudsman has that capacity. A further question related to oral complaints, and I have some answers on that point. I committed to follow up on that matter and I will make the answers available. The issue of costs was also raised.

In the short time available I want to summarise what the bill is about. As I have said, it is important legislation. Appropriate checks and balances are proposed in the amendment. The house amendment is important because — —

Dr Dean — On a point of order, Mr Acting Speaker — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Berwick has a right to express a point of order.

Dr Dean — Mr Acting Speaker, I am making the point of order at the first moment available to me, having just become aware that the honourable member for Richmond made comments about me which besmirch — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Melton will remain silent.

Dr Dean — You can tell when they are under pressure! The honourable member for Richmond besmirched my character in this way: yesterday I made it plain in my speech to the house that although suggestions about the way the procedure would operate in relation to the Privileges Committee were discussed, at no time was any decision made. Yet today the honourable member for Richmond said in the house that I said to him — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Melton will please remain silent while I hear the point of order. Is that clear!

Dr Dean — The remarks besmirched my character and are effectively saying I lied in the house. I want to clear that up. The honourable member for Richmond said that I told him that I had said the Speaker was not the appropriate person to hear these complaints, that I was concerned that the Speaker and the President ought not be the people to hear these complaints, but that in the house yesterday I said they are the right people. I want to make it clear that those comments affect my reputation in the house.

Mr Wynne interjected.

Dr Dean — The honourable member for Richmond may deny it now, but it is a fact that he said it, and it is totally untrue. At no time did I say that to him. At all

times I said that the proposal he had would be considered. At no time did we ever say that that proposal was in agreement — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Lupton) — Order! I have heard enough on the point of order. I believe the answer lies in the honourable member for Berwick asking for a withdrawal if he has taken offence at the statement. Is that what the honourable member is seeking?

Dr Dean — I asked — —

The ACTING SPEAKER (Mr Lupton) — Order! Is the honourable member for Berwick asking that the honourable member for Richmond withdraw?

Dr Dean — I ask him to withdraw the implication that I and the Honourable Carlo Furletti in the other house told him that we were concerned — —

The ACTING SPEAKER (Mr Lupton) — Order! The honourable member for Berwick has asked the honourable member for Richmond to withdraw. Is the honourable member for Richmond prepared to withdraw?

Mr WYNNE — I am not sure what I am being asked to withdraw.

The ACTING SPEAKER (Mr Lupton) — Order! I was trying to smarten up the proceedings, because if I cannot stop the clock I will let the honourable member for Berwick continue his point of order.

Dr Dean — I am asking the honourable member to withdraw the implication that either the Honourable Carlo Furletti or I said to him that we were concerned in any way about the Speaker having the control of the procedure under a whistleblowers act.

The ACTING SPEAKER (Mr Lupton) — Order! Is the honourable member for Richmond prepared to withdraw?

Mr WYNNE — On the point of order, Mr Acting Speaker, that is not what I said.

An Honourable Member — He was not in the house.

Mr WYNNE — The shadow Attorney-General was not in the house. What I said was that on 3 November, when he was consulted by one of the Attorney-General's advisers and one of the legal officers in the department — —

Mr Baillieu — You were not there!

Mr WYNNE — I never said I was there — read *Hansard*!

The shadow Attorney-General was briefed at the Department of Justice on what was proposed in this amendment. At that stage he expressed no concern about the proposed way of going forward and said if he was concerned he would get back to us. The first time he got back to us was after the bill had been laid on the table for six months. I mean, I am happy to withdraw.

The ACTING SPEAKER (Mr Lupton) — Order! Very well. That is the end of it.

Mr WYNNE — But I do not understand what he has taken offence at. I think — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! The ruling I am going to make is that I think it is appropriate that if the honourable member for Berwick has taken offence he can make a personal explanation to the house later on. If he feels his reputation has been besmirched or that he has been misrepresented, he can make a personal explanation.

The honourable member for Richmond has withdrawn and his time has expired.

Mr McINTOSH (Kew) — I congratulate you, Mr Acting Speaker, on your mediation skills in handling that point of order.

The vice the opposition complains of has been clearly adumbrated by the honourable member for Richmond. I do not know whether the problem is that the Attorney-General of this state is not present in the building and the acting Attorney-General cannot cope, but what is quite clear is that we are law-makers. We make laws every day of the week in this place.

This bill was introduced into this house in August of last year. Since then it has languished on the notice paper for almost six months, coming up on the notice paper day after day but never being called on for debate. What we have had between last August and now is that a meeting was held in November at which apparently a flow chart was produced. I have a copy of the flow chart.

Mr Wynne — Where did you get that from — the briefing?

Mr McINTOSH — It was given to me just then by the Leader of the National Party.

It provides a couple of alternative mechanisms to resolve some sort of proposed amendments. But this is the problem — and I refer the honourable member for Richmond to the problem he adumbrated — this is about law-making. It is about legislation. I am a lawyer, and I understand that. The shadow Attorney-General is a lawyer, and he understands it. You ought to understand it — laws are made in Parliament. They come out in documents like this bill, which runs to something like 50 pages, and they have a number of clauses that set out rights and entitlements. A flow chart means nothing! At some stage you have to adumbrate in amendments in a legislative form what you propose to do.

As I understand it, the shadow Attorney-General received a second briefing on the bill when a number of matters were canvassed, one of which related to the amendments concerning members of Parliament and the reference to the Privileges Committee. There is no doubt that one of the issues that were canvassed was that. But the most important point is that there was no agreement at that time about the legislative amendments to be made. Amendments can only be agreed to once they are amendments.

Despite the fact that the bill has been sitting there on the notice paper for the past six months, when did we get the proposed amendments, those things that mean you can actually discuss what you are going to do to deal with this difficulty and other difficulties that arise with the amendments? When can you deal with those issues as law-makers, as legislators, as the people who are defining the laws of this state? When can you deal with them? We deal with them when they are actually tabled in the house. That is when I got hold of them. The shadow Attorney-General was given a little longer notice of them, but not much longer. Those amendments to a bill of 50 pages run to three pages of tightly typed clauses.

In the words of the Attorney-General in his second-reading speech, this is a very, very complex bill. To understand those amendments and their effects one should be given a substantial amount of time, yet we have been given them on the run, with almost no time to properly consider them. It is outrageous for anyone to suggest that this is an appropriate way of making laws about these complex matters.

Most importantly, it should be recognised that if you want to do more than just pay lip-service to being open, accountable and transparent and if you are fair dinkum, surely with a bill that you say is complex, something that has been sitting on the notice paper for six months while all sorts of other amendments have been dealt with, you would want to give a bit more notice about the amendments than just before the bill comes on for the debate we are considering this morning. It is absolutely outrageous.

Mr Nardella interjected.

Mr McINTOSH — The honourable member for Melton has just interjected that they are our amendments. They are not our amendments. You are just beyond the pale!

Honourable members interjecting.

The ACTING SPEAKER (Mr Lupton) — Order! I have asked the house to pay attention and to maintain a bit of decorum. I will not tolerate the level of interjection that has been going on. I trust I make myself perfectly clear.

Mr McINTOSH — To make it perfectly clear so even the honourable member for Melton can understand it, they are not our amendments, they are the government's amendments and they run to about three pages. They amend what the government says is a complex bill, and I agree — it is a very complex bill. When did the opposition get the amendments? Last night! Surely, if you were fair dinkum about consulting with a broad range of people in dealing with the amendments in a bipartisan way you could have given the amendments to the opposition last November, or even in August last year, so that the opposition would have had six months in which to consider them. To do otherwise is just a blatant abuse of your power as a government.

From my experience, if I was handed a three-page amendment to a statement of claim in the court I would seek and be given an adjournment and the client would pay the costs. If the opposition attempted that today it would be ridiculed because the government does not care.

Ms Barker — On a point of order, Mr Acting Speaker, I ask you to direct the honourable member to make his remarks through the Chair.

The ACTING SPEAKER (Mr Lupton) — Order! You took the words out of my mouth! I ask the honourable member for Kew to direct his remarks through the Chair.

Mr McINTOSH — If the government was fair dinkum it would have given notice of these amendments before last night.

Mr Wynne — You got them last November.

Mr McINTOSH — For the benefit of the honourable member for Richmond I repeat that a further briefing was discussed with you on the bill. That briefing was sought by the shadow Attorney-General and was provided, and I am grateful for that briefing. At the briefing you produced a flow chart that indicated a number of alternative outcomes as to these matters.

Ms Barker — On a point of order, Mr Acting Speaker, I again ask you to remind the honourable member to direct his remarks through the Chair.

The ACTING SPEAKER (Mr Lupton) — Order! The Chair is in a difficult position. The honourable member for Richmond is interjecting across the table and it is human nature for the honourable member for Kew to respond to those interjections. I ask the honourable member for Richmond to stop interjecting to allow the honourable member for Kew to continue his remarks. I uphold the point of order.

Mr McINTOSH — The government is concerned about this because it demonstrates once again that the government is not committed to open, accountable and transparent government. The amendments should be in writing and clearly address the bill — that is what they are. The discussion and agreement about the amendments should have occurred in October or November last year, not in the dead of night last night.

I refer to the amendments, their reference to the Speaker and what they seek to achieve for members of Parliament. The opposition is concerned that once a reference is made to the Speaker or the President of the Legislative Council the complaints must then go to the Privileges Committee. The committee is then seized with a complaint and must deal with it as it sees fit. As we have seen on previous occasions, Parliament is a partisan place. Clearly there are divisions between the government and the opposition but there are also divisions within the different factions of the government party.

I am concerned not necessarily about who controls the numbers in this house at present, whether it is the Labor Party or the Liberal Party, or that the Liberal Party controls the numbers in the Legislative Council, because it has its own Privileges Committee. I am concerned that the process can be subject to politicisation. It may not occur at the first or second complaint, but there is the potential for it to be politicised.

It is no comfort to me that the Liberal Party has the numbers in the upper house. It is no comfort to me that within a short time the Liberal Party will be in government and that it will have the numbers on the Privileges Committee of this house. There should be an appropriate mechanism to ensure a partisan approach is not transferred to the Privileges Committee. Parliament is a robust place and, as I said, the parties have different philosophies and within the parties there are different groups or factions which should not be transferred to a Privileges Committee that may determine whether a complaint proceeds, not on the basis of whether it is improper conduct.

The committee is accountable to the house, which is governed by the party with the majority. Genuine complaints will die because they will be stopped by a partisan Privileges Committee. The government should guarantee through the legislation that that can never happen. No matter how noble the individual members of the Privileges Committee are now, no matter how dedicated or purposeful they may be in their investigations at this stage, there is the potential for concern.

The government must remove that concern by introducing legislative safeguards to ensure honourable members that at no stage in the future, notwithstanding the present, no matter which party is in government, partisan politics will not be part of the process. That will ensure that genuine complaints are not stopped inappropriately at the Privileges Committee level.

Mr Baillieu — Why are they making the change?

Mr McINTOSH — I do not know. The process operating at present is for complaints to go to the Speaker or the President of the Legislative Council. The Presiding Officers are uniquely placed to address these matters. The house has been served by some great Speakers who have behaved impartially. Time and again I have seen the Presiding Officers act impartially. They should make decisions on whether complaints proceed or are handed to the Ombudsman.

Importantly, the privileges of this place should be preserved. The legislation should not be used to diminish, reduce or ameliorate the privileges of this place. The privileges we have in Parliament have been hard fought and won through a variety of constitutional exercises over the past 800 years. Firstly, in England and then when transferred to this house they were fixed in concrete in 1851 and developed further by this house. The privileges are significant and important.

I am concerned that although we preserve legal and professional privilege we do not preserve the privileges of Parliament. The opposition seeks an express provision that the privileges that I am sure all

honourable members want to guarantee will be specifically guaranteed and not otherwise removed. We have seen judges acting in a way that may be inconsistent with the express intention of the legislature. Yesterday during the debate on the Prostitution Control (Proscribed Brothels) Bill it was said that the term 'is being carried on' was diminished and reduced in its effectiveness because a magistrate ordered that to obtain an order or declaration that a particular premises was a brothel it had to be carried on at the very time of the application, not at some antecedent time when the police or enforcement officers had made their investigations. Ultimately, the bill will be interpreted by the courts.

The Leader of the National Party identified in his contribution a number of anomalies in the bill. I can remember his words — 'It will be a lawyers' field day'. I have great empathy with those words. This is new legislation introducing notions that are novel to the position of the law, such as preserving someone's confidentiality and providing immunity from both civil and potential criminal liability while maintaining other forms of criminal liability in certain cases. I am concerned that it will be a lawyers' field day. The legislation should be preserving the privileges of Parliament because at the end of the day, if we can preserve the notion of legal professional privilege, surely we should be preserving the notion of parliamentary privilege.

The bill's principles are laudable and commendable. No doubt there will be robust debates in the courts about all sorts of important provisions. In the short time I have left I will touch on a couple of aspects of the bill. The bill clearly defines public officers, which include members of Parliament. There is also a reference to public bodies. The definitions clause defines a public body as including, among other things, councils, public service departments, police, hospitals, et cetera. Clause 3(g) defines a public body as:

> a body, whether corporate or unincorporate —
>
> (i) supported directly or indirectly by government funds or other assistance; or —

that is pretty clear —

> (ii) over which the State is in a position to exercise control …

The position to exercise control is not a cumulative process, it is an alternative. Either the state exercises control or alternatively the body is:

> … supported directly or indirectly by government funds or other assistance.

That is a broad definition and means anything the government can contribute to. Clause 3(g) continues:

> … that is prescribed for the purposes of this Act …

It is a bit unclear what that means. Perhaps during the committee stage the honourable member for Richmond could identify what those prescribed bodies would be for the purpose of the act.

While the bill deals with public bodies, there are many private and other institutions that should be subject also to the whistleblowers legislation. Considering recent decisions in the South Australian Supreme Court, eventually even political parties may be subject to the legislation. One body I would love to see subject to it would be the trade union movement. Of all the institutions it still behaves secretly, yet its activities have major ramifications on our position here. It effectively controls schools, hospitals and building industries in a variety of different ways. Many of those things should be reviewed.

Mr MAXFIELD (Narracan) — The Whistleblowers Protection Bill forms one of the Bracks government's key principles. It is all about allowing a society to be free of corruption. We do not want a continuation of the dark Kennett years where people were removed from office, gagged, threatened and intimidated by a government that was hell-bent on burying the truth, driving people down and protecting its privileged and elite. The former government behaved in an appalling way.

When the Kennett government fell, a new era opened in Victoria; an era of openness, consultation and freedom where people were free to act in a proper and decent manner. If they saw something wrong they were free to raise those issues.

I refer to consultation, which is a hallmark of the Bracks government. Previous speakers have complained that amendments were brought in in the dead of night. The government has been consulting with the opposition since November. Compare that to the Kennett government era. What consultation? We would see the bill at 4 o'clock in the morning if we were lucky and the government would want the legislation passed through the upper house at the end of the week. That was consultation in Victoria under the secretive and sinister Kennett government.

The Bracks government talks to the community. It started a consultation process in the community, spoke widely on the bill and let people know about it. Before the election the government explained what the legislation would do and consulted with the opposition,

something the former government never had the decency to do when in power. What a contrast between the honourable performance on this side of the house and the pathetic mumblings from opposition members who say they have not seen the exact wording! What is important: the exact wording or the truth and the principle? It was important to find out what the community wanted and then to propose legislation to give it freedom.

I refer back to the Bjelke-Petersen era in Queensland. Ultimately half the members of the Bjelke-Petersen government ended up in jail but before then people were sacked for wanting to tell the truth. Queensland ended up with a corrupt police force and corrupt politicians because it was not willing to introduce such legislation to be debated and passed by the Parliament.

I refer to my electorate in Gippsland and to a couple of examples where the Kennett government concepts did not work. The federal member for McMillan, Christian Zahra — who I am sure will be re-elected later this year with a dramatically increased majority — worked for Gippsland Water and was doing an excellent job in his capacity there. However, when the former Deputy Premier, Mr McNamara, found out that somebody with Labor Party connections was working there, did he say, 'No problems'?

Mrs Fyffe — On a point of order, Mr Acting Speaker, I ask you bring the honourable member back to the whistleblowers bill.

The ACTING SPEAKER (Mr Lupton) — Order! I do not uphold the point of order because I believe the honourable member was attempting to be relevant in giving examples of incidents.

Mr MAXFIELD — I was referring to an incident that occurred in Gippsland during the dark Kennett era. Mr Zahra was doing a great job with Gippsland Water. He is now our federal member, so obviously the community regards him highly. The former Deputy Premier rang one of the top officials in the water board and said, 'Get rid of him'. Why? Because he happened to be the secretary of Young Labor. What a horrendous crime, but he had to go. That is typical of what the Kennett government did when we had people in public places. The fear was that Christian might at some stage uncover some dodgy behaviour so they wanted to get him out of sight and hide him.

Shortly after the Bracks government was elected, a member of the catchment management authority (CMA) in Gippsland, Ross Scott, made some comments about testing that had been done. Ross Scott suddenly found his services terminated. Fortunately, the era had changed, although the management of the CMA did not realise it. A friendly government had been elected that said it wanted the truth to come out. As a result Ross Scott was reappointed. In the press at the time great commendation was given to the Bracks government for wanting to bring out the truth and protect people who wanted to bring the facts to the community's attention.

I have quickly gone over a couple of examples in my own area where there have been attempts to stifle — —

Mr Mulder — On a point of order, Mr Acting Speaker, I raise a matter of truth in respect of the honourable member for Narracan. I wonder whether he could confirm that since he has been elected to the seat of Narracan it has become one of the only seats in Victoria where unemployment rates have risen.

The ACTING SPEAKER (Mr Lupton) — Order! That is a spurious point of order. I do not uphold it.

Mr MAXFIELD — The government will shortly announce a rescue package for the Latrobe Valley — something the Kennett government did not do.

In closing my remarks on the Whistleblowers Protection Bill, it is about restoring the rights of our community, uncovering corruption and protecting those who want to come forward and denounce corruption. Victorians want a free society where the truth comes out.

Mr Leigh — On a point of order, Mr Acting Speaker, the honourable member for Narracan should address his remarks through the Chair. Perhaps then he would not get so many opposition interjections.

The ACTING SPEAKER (Mr Lupton) — Order! I uphold the point of order. Honourable members have been asked several times this morning to direct their remarks through the Chair.

Ms McCALL (Frankston) — That took me completely by surprise! What an entertaining speech. I thank the honourable member for Narracan.

I will begin by clarifying a couple of points I think the honourable member was trying to make about openness and accountability. I will also mention some of the issues that the Liberal Party has concerns about. The honourable member talked some nonsense about stealing around in the dead of night like Jack the Ripper over the notices of motions that got dumped this morning, the land tax issue, the Fair Employment Bill that I am delighted to say was voted out in the other

place last night, and something about the banning of a film. That is all about openness, societies and freedom of behaviour, and obviously honourable members would like this legislation to cover those issues.

I will not go into the bill in detail as the honourable member for Berwick did because he is far more learned than I on matters of the law. However, I will clarify the definition of a whistleblower. There has been some misunderstanding that a whistleblower is either someone who tells tales or someone who exposes an untruth. I researched the Internet and found 60 entries relating to whistleblowers and what they represent. There is also a publication by Brian Martin which honourable members might like to read entitled *Whistleblowers Handbook*. I am not sure whether the handbook recommends how not to be a whistleblower, how to be one or how to be one and not get caught.

The legislation will protect whistleblowers, and I do not think anyone will argue that there are people who have stood up and tried to correct wrongs — things they considered to be inappropriate, illegal or improper — in the corporations or other bodies in which they worked. I recall a film called *Fleetwood*, which starred Jane Fonda and which was about a village in America where a chemical company was performing illegal experimentation. After becoming involved in the subterfuge and going public on it Jane Fonda's character was in fear of her life. John Grisham has written some good books, including *The Pelican Brief* and *The Firm*, which cover what whistleblowing is all about.

A film that I particularly enjoyed was *Serpico*, which starred Al Pacino and was made a few years ago. It was about a man called Serpico who was a member of the New York police — he was a New York City cop. I will quote from an article about Serpico that appeared on the CNN News web site on a page headed 'US News story page'. The article states:

> Frank Serpico, the former New York City cop who became a symbol for police honesty…
>
> Twenty-six years after testifying at hearings on police corruption in New York City …

Serpico is now 61 years old. The article continues:

> A police officer for 15 years, Serpico repeatedly turned down pay-offs and turned in corrupt fellow officers. Labelled a 'rat' by colleagues, he was shot in a drug raid in 1971 that he says was set up by corrupt officers.
>
> He testified in 1971 at hearings held by the Knapp Commission to investigate charges of corruption in the NYPD. He later quit the force and became a celebrity with the publication of his autobiography in 1973 and the release of a film based on the book, starring Al Pacino.

The Liberal Party is keen to support legislation that protects whistleblowers so that people like Serpico can be protected and do not have to spend most of their lives on the run or being fearful for their lives and future.

The opposition does not oppose the legislation but has some grave reservations about parts of it and what it seeks to achieve. I do not propose to get into a series of arguments across the chamber on issues of control of the Privileges Committee. I assume that the people who sit on that committee take their jobs seriously, as do all of us in the chamber.

I am concerned that there have been some fundamental flaws in the drafting of the legislation, and my colleague the honourable member for Kew explained those extremely well. As all honourable members have been in the chamber for long periods during the last couple of days I do not propose to talk for much longer about whistleblowers, except to say that if any honourable members or members of the public have such extraordinarily interesting lives that they read *Hansard*, I note that there is an interesting web site headed 'Welcome to Whistleblowers Australia' It states:

> Whistleblowers Australia is an association for those who have exposed corruption or any form of malpractice, especially if they were then hindered or abused, and for those who are thinking of exposing it, or who wish to support those who are doing so.

I urge honourable members to consider the bill carefully. The Liberal Party does not oppose it but wants to be very clear on the legislation and its likely consequences.

Ms OVERINGTON (Ballarat West) — It gives me great pleasure to speak on the Whistleblowers Protection Bill. The bill has been introduced following a dark period in Victoria's history in which it was commonplace for memos to be sent out left, right and centre effectively gagging many people in the state. I am aware of a number of instances where that action was used as a means of intimidation and to create a culture of fear, even in Ballarat. People were forced to leave their employment. There should not be a culture of fear or an environment where people feel unsafe in their workplaces if they know of wrongdoing, corruption or just downright dishonesty — and unfortunately that does occur.

The opposition has gone on and on as it usually does about lack of consultation. I am proud that this

government continues to consult about every piece of legislation that is introduced. It was interesting that the people who spoke during the consultation process on this bill talked about the fear that was created in their workplaces that sometimes led to unemployment — pure intimidation. People would be moved sideways without any hope of future — —

Mr Mulder interjected.

Ms OVERINGTON — You won't get me on that one; I'm not going to bite. You usually don't need bait when you go fishing with me, but I ain't touching that one!

Unfortunately there was no hope of future work promotion, and the stress to them both as individuals and to their families is enormous. Unfortunately legislation with this culture of fear is needed to protect people who come forward in an attempt to expose the massive corruption during the seven years of the Liberal government that was hidden by a veil of secrecy. That secrecy was not just by word of mouth; it was in memos — —

Ms Burke — On a point of order, Mr Acting Speaker, standing order 108 deals with bad behaviour in the house, and that comment about the massive corruption of the last government is completely out of order. It is not true and is completely out of order. I want the member to withdraw it.

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

Ms OVERINGTON — It is interesting how sensitive some members of the opposition are. Effective gagging was established by tying in memos to employees' contracts so that workers could not speak out about the practices that were occurring for fear of losing their jobs. Is that democracy? No, it is not. This bill establishes a proper process within legislation to protect everyday workers and honest people who want to speak out against the practices that occur in some workplaces and some organisations.

On the other side, the bill has safeguards to protect it from abuse — that is, people out there who may be trouble makers, those who, for whatever reasons, make trouble for trouble's sake. I am disappointed the opposition continues to be mischievous and disruptive towards legislation that is transparent and open. We have heard a lot in the debate this morning about the proposed government amendment relating to parliamentarians. It is a fact that the Privileges Committee is the proper forum before which we are judged by our own peers. What can be simpler than that? It is the basis of what we are doing; we should be judged by our peers.

I am pleased to speak on the bill; I have been waiting for it to come before the house for a long time, and I wish it a speedy passage.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak to the Whistleblowers Protection Bill. I find the rhetoric of the government ironic. It has been in government for only 18 months, and has shown itself to be a secretive government which has undertaken a number of witch-hunts, one of which I will go through and one which the member for Bennettswood will explain. Recently there was a leak to the newspapers concerning the racial vilification bill and the Department of Premier and Cabinet undertook a witch-hunt to find out who was responsible for the leak. They went through a number of public servants, who were absolutely petrified to speak to anyone outside the building. It is all about fear and intimidation, and not being open and accountable.

I support a system where people are happy to make disclosures free from fear. Indeed, in an article entitled, 'Whistleblowing', Irene Blonder states:

> Blowing the whistle within or on an organisation is likely to place the whistleblower in a vulnerable position personally and professionally. The consequences may range from alienation or censure at work, to loss of job, to persecution by legal or illegal means.

This is exactly what this bill attempts to stop, but unfortunately the government is not to be trusted.

I have some leaked minutes from a senior executive meeting of 24 October 2000, the attendees were: Terry Moran, Yehudi Blacher, Peter Selway, Dennis Carmody, Andrea Heyward, Jennifer Fraser — who has been sacked from the Victorian Office of Multicultural Affairs because of her incompetence — and Bruce Hawkins. Under the heading 'PAEC supplementary hearings', Terry Moran said that:

> The Premier has firmly expressed the view that officials should not be appearing before parliamentary committees other than in [the] most exceptional circumstances.

Now who is gagging the public servants? You tell me! It is appalling, and this is from a government that claims in the second-reading speech of the Whistleblowers Protection Bill that it supports the principles of open, honest and accountable government. The government has shown that it is secretive, hypocritical and arrogant.

I will go through freedom of information arrangements, which are meant to be open and accountable. In reality,

every time you to put in an FOI request they take weeks upon months to get back to you with a final decision.

Mr Wynne — On a point of order, Mr Acting Speaker, I ask the member to confine his comments to the bill itself and not stray around all over the place.

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

Mr KOTSIRAS — On the point of order, Mr Acting Speaker, the Attorney-General's second-reading speech claims the government supports the principles of open, honest and accountable government. That is exactly what I am talking about now.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Bulleen, continuing the debate.

Mr KOTSIRAS — The Attorney-General put out a memorandum stating:

> FOI laws should now be interpreted by departments and agencies in a manner that reflects a willingness to disclose information.

Further:

> Principal officers must also ensure that adequate resources are available to fulfil their agency's obligations under the FOI Act.

This is all rhetoric, because in reality it does not happen. I submitted an FOI request seeking all details of all taxi vouchers issued since last year, and after three months I received a response saying that my request would require too much work — work which apparently they have not got the public servants to undertake! I telephoned the senior FOI officer and she advised me that:

> It is an initial decision made by the department before any work is undertaken, and our financial area estimates that it would take them at least two weeks work to actually get all the invoices together, photocopy them and bring them down to the FOI unit where we will have to analyse them. And at the moment our resources are all ah…to the limit because of the number of FOI requests we have…

Then I spoke to another officer, Lucille Dunstan, who told me that FOI requests have to be vetoed by the private office:

> What happens is we do our stuff, but of course as you know FOI gets — when we make our decision it goes through, not just the private office; it goes through a number of people in the department because obviously they want to know what people are asking and what we are releasing, which is fine, but it holds everything up.

I find it absolutely appalling. Talk about open and accountable! Last year on 23 June I wrote to the Premier asking him to advise me about his overseas trip. I am still waiting for a response. At the end of the request I wrote:

> In the meantime I wish you a safe and productive trip.

I have heard nothing back — not even a postcard! This bill is a good attempt but, as honourable members saw last night, the government has brought in some amendments which will prevent the whistleblowers blowing the whistle on government ministers.

As the shadow Attorney-General has said:

> The government has stepped in to ensure that the whistleblowers act, introduced by Attorney-General Robert Hulls, did not lead to a situation where whistleblowers could expose the weakness of his own government.
>
> The amendment means that Labor politicians will decide whether complaints against the Labor government should be investigated. This amendment means such complaints would then avoid the ombudsman.
>
> …
>
> It makes a mockery of this legislation as far as it affects politicians.

This government does not care about being open and accountable. For 18 months it has scared every public servant in every department. Gone are the days when you were able to pick up the phone and speak to them, because they are petrified they will lose their jobs. Although the original bill was good, the government has now enforced the gag and is not open and accountable.

Debate adjourned on motion of Ms DUNCAN (Gisborne).

Debate adjourned until later this day.

CITY OF MELBOURNE BILL

Second reading

Debate resumed from 22 March; motion of Mr CAMERON (Minister for Local Government).

Government amendments circulated by Mr CAMERON (Minister for Local Government) pursuant to sessional orders.

Independent amendments circulated by Mr INGRAM (Gippsland East) and Ms DAVIES (Gippsland West) pursuant to sessional orders.

The ACTING SPEAKER (Mr Kilgour) — Order! I am of the opinion that this bill requires to be passed by an absolute majority.

Ms BURKE (Prahran) — The purpose of the City of Melbourne Bill is to alter the electoral structure of the City of Melbourne, establishing a single undivided municipality represented by the Lord Mayor, Deputy Lord Mayor and seven councillors. The bill affirms the significant role the City of Melbourne has to play as the capital city of Victoria and will bring good governance to it.

The City of Melbourne has settled down considerably. It has been presented with a AAA rating by Standard and Poor's, and it is the only debt-free capital city in Australia. Interestingly Melbourne City Council is not the only council that has difficulties with its councillors getting along. It would not be fair to say that the issues affecting capital cities are the fault of only the councils, because the state also has a role and a responsibility to work with the council to ensure good governance.

I was tempted to quote from *Hansard* to repeat previous contributions of government members when in opposition in debates on the dismissal of councillors and the setting up of new electoral boundaries. I decided against it for the sake of this good house and its honourable members, because it would reflect poorly on politics, and the community has a poor enough image of politics already. However, anyone who has the time to read the previous contributions will find them hypocritical.

The opposition considers that the vitality and prosperity of the central city area is vital to Victoria as a whole. When in government it demonstrated its commitment through the Agenda 21 projects, the amazing growth in infrastructure in Melbourne and the way Melbourne people felt significantly empowered during the Kennett years. It is now a city of world significance, and Melburnians can be proud of it.

The previous government implemented the first capital city policy outlined in its policy document entitled *Creating Prosperity — Victoria's Capital City Policy*, which was released in 1994. By the end of 1997 it was so successful in reaching its aims that the previous government started to examine what more could be done to reinforce Melbourne's global role, to see where Victoria's competitors were, to build on the city's strengths and to see where the greatest opportunities lay.

The current global theme is an emphasis on the importance of city-to-city relationships that function well under the national tensions that exists in individual countries. In other words, a city-to-city relationship can function without a country's politics being involved. There are fine examples: the Lord Mayor of Bilbao in Spain has changed the nature of the city by his vision and understanding of the needs of the community.

The problems at the town hall culminated in considerable negative publicity and continual calls for the dismissal of the council and fresh elections. Other suggestions such as boundary reform, ward restructure and even the abolition of the council began to gain currency. Following calls by the Municipal Association of Victoria and the Victorian Local Governance Association, the council appointed Joan Kirner, Tim Costello and Alan Hunt as mediators to assist in resolving problems that had started to appear in the functioning of the council. I am disappointed that the mediators have not had a chance to do a trial run of their recommendations. Melbourne is not the only council that has councillors in disagreement. It would have been worth while testing the solutions to the problem, especially when the whole process cost the ratepayers of Melbourne more than $80 000.

Within an hour of the minister receiving the Kirner-Hunt report on solutions for the Melbourne City Council on 18 December last year, he announced he would dismiss the council and change the electoral system of the City of Melbourne. The Leader of the Opposition set up a task force to consult with the community of Melbourne to hear its views about the situation. I take the opportunity to thank that task force, which I chaired. It was made up of members of both houses: the Honourable Mark Birrell, Robert Clark, Inga Peulich, the Honourable Andrea Coote and the Honourable Andrew Olexander. They worked well with me over the Christmas break and beyond, and it was kind of them to give their time. It was beneficial to hear people's views then because they had time to talk to us, and we got a clear message from them.

The message from business, the community and residents was clear. They want to try a popularly elected mayor, having more councillors, promotion campaigns to encourage business to vote, the establishment of a business advisory committee, a review of the functions and operations of the administration of the City of Melbourne in conjunction with a new council and the state, a city-to-city focus, a review of the boundaries and the inclusion of the Docklands, a state and local government charter that clearly outlines the roles and responsibilities of the Lord Mayor and the Deputy Lord Mayor, and a consultative program that includes the Premier, the cabinet secretary, the Lord Mayor and the chief

executive officer of the City of Melbourne, and other ministers and councillors or staff as required.

I will refer to the key issues of the bill and the position we want the city of Melbourne to be in within the next decade. As I detail the provisions of the bill I will comment on the issues that were dear to many people involved in the review process. More than 70 groups and individuals met with me and my task force. On the one hand it was clear that people wanted to contact their local councillors and know that they would bring their concerns to the council chamber or to the service department responsible. Most importantly they wanted action. On the other hand they believe their capital city must keep up with the global trends of livable cities.

Business expressed the fact that it provides 80 per cent of the rate revenue and the social agendas were receiving more attention. Generally it was felt there was no natural community of interest among the different residences that make up the city of Melbourne. Even the residential groups had different agendas. There was dissatisfaction from residents, business and councillors with the way in which the council bureaucracy was working.

Projects were not progressing because of the inadequate coordination and cooperation between the Melbourne City Council and the state, particularly the fish market and Federation Square. That also included the overlapping roles which were clearly laid out in the Victorian Employers Chamber of Commerce and Industry submission — for example, the marketing of Melbourne, investment attraction, planning, housing, health and disability services, roads, tourism, animal management, events, environment, food safety, sport and recreation, buildings, parking, economic development, multicultural issues and libraries all overlap with the state. A charter to clearly define those issues and responsibilities has been lost in the bill.

The bill has attracted a number of complaints by councillors. They felt the reform of local government matters has moved along well, they were feeling comfortable in their roles and believed the two levels of government had attained some equality. There will always be a few councils that cause trouble, but generally in local government Victoria is the pride of this country, of which we can all be proud.

Although the state government is responsible for local government, Parliament's relationship with local government is vital. The attitudes of ministers and shadow ministers will set the parameters governing how well we all work together. It is to the advantage of all Victorians for elected members and councillors to work together so that Melbourne and Victoria will be better places to live in the years to come.

Clauses 1 to 5 are normal provisions that can be found in other local government bills, but clause 6, which provides for the constitution of the council, is of concern. One complaint, which the opposition will monitor in the future, was that residents believe nine councillors is not enough. It will be interesting to see whether nine councillors will be enough in this new model.

The notion of a popularly elected Lord Mayor was extremely popular. It is important to highlight why I believe the popularly elected Lord Mayor is the way to go. It is clear that the Melbourne City Council has been a rudderless ship. Every Australian capital city, other than Melbourne, has a popularly elected mayor. Most overseas capital cities have popularly elected mayors. On a city-to-city basis it is important that people holding those positions be on the same level. That provision will operate much better than the current system. It provides a much higher profile for the leader of the council, which increases his or her authority not only with the community but also with council staff.

It carries a clear mandate from the community, which is vital, and reduces the internal jockeying for the position of Lord Mayor. It will provide a much more external face to the governance of Melbourne, whereas before it has been more about internal governance rather than worrying about what is happening outside the town hall. It has a much clearer role for the candidates and is more likely to attract first-class candidates, but only if the minister seriously considers the executive powers of the Lord Mayor and understands the role and responsibilities of the position and the relationship of the Deputy Lord Mayor to the Lord Mayor and councillors, the whole team and how it will work. There will be a large cultural change, with which I believe the community will be delighted. It clearly differentiates between the role of the chief executive officer and the council.

Clause 7 of the bill provides for the promotion of the role of the City of Melbourne and how it should be done more in conjunction with the council and the state.

I was disappointed with clause 8 which provides that the Premier may convene meetings with the council. I thought the 'may' days were over and that today the use of 'will' would be more appropriate in convening meetings. The goodwill of all of the different players will make the difference. People in local government are looking for a much more partnership-type agreement than this clause provides

Clause 9 refers to the operation of the voting system for the business community. Why does the business community not vote in the City of Melbourne? Is it because businesses do not think it will make a difference? If that is how they feel, we must seriously examine the model and the role of the Lord Mayor.

Clause 10 sets out the procedures to be followed by the chief executive officer relating to the appointment of representatives of corporations under clause 9.

Clause 28 is one of the most controversial provisions of the bill relating to the power of the Minister for Local Government to interfere with council revenue. I hope the minister will re-examine that matter to see if it is still relevant. Clause 28 was relevant at the time of the transition of council amalgamations and the creation of new municipalities, but that power to interfere should now be over.

The Victorian Local Governance Association was concerned about a number of issues in clauses 8 and 28, of which it has every right because the provisions are contrary to local government policy of the government of the day. I believe that matter will be worked through.

The Municipal Association of Victoria believed it was the minister's bill and that is the way he saw improvements to the City of Melbourne. It was unhappy on a number of points, but felt it was relevant to see how the provisions eventuated in practice.

Much consultation took place with business and residential groups. Some residential groups wanted to cede and others did not. I believe the perfect model for Melbourne is a central business district, including Docklands. There will be enough residents in Docklands and the city to keep the balance. There is a clear difference between the wishes of residents in the city and those who live in the leafy suburbs, but I know that is a political problem for the government of the day and will not be touched in legislation.

The answer for any capital city is that its role must be understood, and that role cannot conflict with the interests of the residents of the municipality. Residential municipalities should care for residents. The focus for capital cities in every state and country should be to concentrate on their driving forces.

I turn now to the relevance of Melbourne in driving the economy, which the opposition hopes the bill will improve. I turn to examine the tourist figures. I chose 1999 because the figures during the Olympic year of 2000 would not be relevant. In 1999, 55 per cent of tourists chose Sydney and only 24.4 per cent chose Melbourne. That gap is too large. Melbourne is a magnificent city with an enormous amount to offer and there is no reason why its figures should not come close to those of Sydney. The Melbourne City Council must concentrate on promoting Melbourne and driving its economy. It has a responsibility not only to drive the economy for the city itself but also to drive it through the city to regional Victoria. The Lord Mayor of this city should promote Melbourne and work to build up great trade and other relationships with other cities.

The networking of personal relationships in government without the tensions of politics makes for good future governance. A good example is the Toyota plant at Altona, which is the headquarters of Toyota in Australia. That plant was built at Altona because the local council had a sister-city relationship with the Japanese city with the main Toyota centre. Consequently, when planning to come to Australia, Toyota looked to its sister city and built the plant there. It is a fine example of what a municipality can do. Because of its size, professionalism and capacity the Melbourne City Council will do more and will be good competition for us as state members of Parliament.

Several amendments are proposed, and I will leave the discussion of those to the honourable members who propose them.

To sum up, there is a demonstrated need for the Melbourne City Council to be reformed in a manner which will complement the state and which fits comfortably with other capital cities. However, removing four residential wards, introducing a directly elected Lord Mayor and initiating party politics into our capital city will not bring about the answers for Melbourne. I am not in favour of party politics in local government, which is about local issues and local people. The Liberal Party will not be endorsing candidates for the council election. If Liberals wish to stand that is their business, but I do not believe party politics will advance local government in this country.

I accept that an ideological difference exists between the two sides of the house, and that is why I will not propose an amendment to the bill. The opposition will watch with interest the effects of the bill, because the introduction of party politics will not improve or advance local government but will cause it to decay.

The reforms made by the Kennett government were the first time Victoria had had a thorough rethink and transformation of local government in more than 100 years. Some changes worked well but others did not, and the opposition is examining those issues. It is blatantly clear that a new model with appropriate boundaries, which would include the Docklands

precinct, must be introduced for the City of Melbourne. The role and function of the Lord Mayor, the deputy mayor and the council should be clearly identified so that when people stand as candidates they know what they are standing for and what are their job briefs.

The council's administrative area has seen many changes. It handles large budgets and contracts valued at up to $70 million, which are big contracts. It needs to have people in office who have the capacity to understand those contracts to ensure effectiveness and efficiency. As I said, the administration has seen some interesting times. No longer can the government continue to dismiss the city council because it does not like a particular thing at a particular time. When people want to express their point of view they get the feeling that the administration realises that it may be gone at any minute, and that is the wrong message to send. The opposition will watch the effectiveness of the bill, but it believes that without boundary changes it will not bring Victoria the benefits it should.

A state and capital charter would go a long way towards alleviating the lack of consultation that is happening now. A consultative committee, which is made up of the Premier, the secretary of the Department of Premier and Cabinet, key ministers, the Lord Mayor, the city's chief executive officer and key council bureaucrats, will enable the formation of alliances to give Melbourne a real opportunity to be the economic driver of Victoria. For the state to go forward it is vital that the City of Melbourne works well at both elected and bureaucratic levels. I wish the bill good passage.

Mr DELAHUNTY (Wimmera) — I will speak on the City of Melbourne Bill on behalf of the National Party. Democracy is important to the people of the Wimmera, and I welcome some distinguished people from Horsham and Stawell who are visiting Melbourne on a Probus club tour.

The ACTING SPEAKER (Mr Kilgour) — Order! I ask the honourable member for Wimmera not to refer to people in the gallery. Will he please continue his contribution!

Mr DELAHUNTY — Thank you, Mr Acting Speaker, for your guidance. I will quickly give a snapshot view of the City of Melbourne. It covers an area of 36.5 square kilometres and has an estimated residential population of 52 200. The estimated daytime population is 567 000, businesses number 14 915 and dwellings 24 391. It is not a large area but many people reside and work in it.

The National Party's spokeswoman on local government is the Honourable Jeanette Powell in another place. Together with me she has done much work in preparing for the debate on this bill. As all honourable members know, the purpose of the bill is to alter the electoral structure of the City of Melbourne, to establish a single unsubdivided municipality represented by a Lord Mayor, Deputy Lord Mayor and seven councillors rather than the current nine councillors.

Because the bill provides for an early election it in effect sacks the present council before its term has expired. Clause 1(b) provides for the direct election of the Lord Mayor and Deputy Lord Mayor. Clause 1(d) provides for greater coordination between the state government and the council, although the National Party believes the government will exert greater influence, and more importantly, that the council will operate under the direction of the Premier.

The National Party consulted with the capital city committee and on 8 February the Honourable Jeanette Powell attended a governance forum. The party has had discussions with Joan Kirner, the chair of the Melbourne City Council facilitation panel, the Municipal Association of Victoria and the Victorian Local Governance Association. The party thanks Bernie Dean and John Watson from the minister's office for their briefings.

The National Party is opposed to the bill. No tests that accord with the Local Government Act have been applied to the situation to find reasons for sacking the council and bringing forward an election.

I am pleased that today's newspapers say the National Party has been out in front again, as it is on most issues, and has shown leadership in its opposition to the bill. I am also pleased that the Nationals have dragged along the Independents — —

Mr Savage — Settle down!

Mr DELAHUNTY — I seem to have struck a nerve. It was not until the Honourable Jeanette Powell in another place briefed some of the advisers for the Independents that they became aware of some of the ramifications of the bill. Nevertheless, I am pleased that the Independents are supporting the National Party and that, according to this morning's *Age*, all three of them are opposed to the bill.

An Honourable Member — If it is in the *Age* it must be true!

Mr DELAHUNTY — Yes, it must be true.

History has shown that there has always been antagonism and conflict between the Victorian government and the Melbourne City Council. Back in March 1981 the Liberal government under Premier Rupert Hamer dismissed the Melbourne City Council, not for any financial impropriety or failure to maintain a quorum but for failing to function effectively and efficiently. Three commissioners were appointed by the state government. Then, after the election of a Labor government in 1982, the ALP under Premier John Cain directed that the commissioners make no decisions and that they prepare for transition to an elected council.

The problems have continued, and the government has continued to intervene in planning issues. Between 1987 and 1989 planning minister Roper used his ministerial powers 37 times, and the Melbourne City Council took the minister to the appeals tribunal 71 times in its first 12 months in office, after which the government established the major projects unit. It must be clear to all honourable members from those examples that conflict and interference with the Melbourne City Council have been going on for a long time.

In my discussions with members of the Municipal Association of Victoria (MAV) I have not found much support for a directly elected mayor. The members do, however, support the idea of a capital city committee on the model that operates in South Australia. They want the minister — who, I am pleased to say is sitting at the table today — to acknowledge that local government peak bodies have a role in representing the local government sector. They also want him to consult more appropriately.

No doubt all honourable members last night received emails from the Victorian Local Governance Association while we were stuck here until 2.00 a.m. Earlier that association had said it supported the bill, but now that VLGA members have read more of the detail in the legislation they are very much opposed to it. They also, however, support the idea of a capital city committee. When they put out their first press release they had not seen the legislation, and that is why they were a little supportive of it at the time. They are not supportive of it now, and have grave concerns about clauses 7(b), 7(c) and 8. Clause 8 provides that the Premier may convene meetings on any issue of significance to the state, whereas the council cannot convene such meetings.

I refer to a letter I received, as did all honourable members, from the association:

> The bill contains provisions that appear to relegate Melbourne City Council to a 'reporting relationship' — not an elected body but a reporting relationship —
>
> to the state government. One provision (S28) even extends this reporting relationship and empowers the state government to direct how the council is to use its own revenue!

Honourable members can see from that extract that members of the VLGA are very concerned.

In the same letter the association highlights its view that the relevant clauses in the *Independents Charter Victoria 1999* would reject section 28 altogether.

Mr Ingram — You dragged us along, though!

Mr DELAHUNTY — I dragged them right along.

Mr Plowman interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Benambra! We do not need interjections across the house. The honourable member for Wimmera will continue his contribution to the debate unaided.

Mr DELAHUNTY — I am enjoying this. It is great to have all the Independents in the house and following the lead of the National Party.

Even the VLGA president, Julie Hansen, was quoted in the letter as saying the association would be putting forward the view that the proposed legislation is contrary to ALP policy and to the Independents charter. I will get onto that a bit later.

I remind honourable members that, according to ALP policy, Labor respects local government as an equal partner and is, in its own words, 'determined to see a more ambitious and creative role for local government in the future of our state'.

The Labor Party's response to the Independents charter, signed by the Premier, includes the statements:

> I commit a Bracks Labor government to the following:
>
> …
>
> Limit the suspension and dismissal of councils and councillors to cases of corruption or other serious failure …
>
> …
>
> Give local government the authority to independently manage their own finances and the affairs of the municipality …

I hope the minister is listening to this, because the bill is clearly in contravention of the charter.

The *Herald Sun* of 27 March carried the heading 'City given AAA rating'. Obviously the council is handling its finances well.

The *Independents Charter Victoria 1999* includes the following clause:

> 3.4 Improving the relationship and consultative mechanisms between state government and local councils and communities.
>
> (a) We wish to see evidence that government recognises that local government is a separate, democratically elected entity which is responsible primarily to the community it serves. This could include undertakings on planning controls, employment of CEOs and choosing levels of tendering out local services.

The ALP's response to the charter includes the following:

> I commit a Bracks Labor government to the following:
>
> …
>
> Leading a government that recognises that local government is a separate, democratically elected entity which is responsible primarily to the community it services …
>
> …
>
> Limit the suspension and dismissal of councils and councillors to cases of corruption or other serious failure …

I have seen no evidence of that. I repeat that I am glad the minister is here listening to this.

The Labor Party's response to the statement on local government in the Independents charter makes seven points in all, and one I wish to highlight again is:

> Give local government the authority to independently manage their own finances and the affairs of the municipality …

The bill takes away that responsibility because the minister can direct how they spend their finances.

Mr Vogels — The minister should be the mayor!

Mr DELAHUNTY — He probably could be. He is not doing too much here. He might have a bit of spare time to do that.

When I was newly elected to this Parliament I took great interest in the address by His Excellency the Governor to the first session of the 54th Parliament. Obviously written for him by the Premier's office, his speech announced that:

> The Australian Labor Party was pleased to enter into a formal memorandum of understanding with the Independent members for Mildura and Gippsland West, and the Independent member-elect for Gippsland East, based on their *Independents Charter Victoria 1999*.
>
> In his return response to the charter, Mr Bracks indicated that he supported the charter in its entirety …

Not just a little bit of it, but in its entirety!

The minister has not only failed to provide a test showing impropriety or anything similar or showing that the councillors were not handling their money correctly. He is also promoting proposed legislation that contravenes the statements signed by the Premier and the Independents.

As I have said, members of the National Party discussed this matter with former Premier Joan Kirner, who is the chair of the independent panel that includes the Reverend Tim Costello and the Honourable Alan Hunt. The MAV and the VLGA, along with the Melbourne City Council, put in $30 000 towards that independent panel's report. The factors identified after true consultation with the key stakeholders included the fact that individual councillors worked hard and most were accessible and willing to listen. Is the minister listening?

The officers are generally highly competent and provide services of high quality. Importantly, the council is debt free, with increased reserves. Its rate increases are below the consumer price index. Again, I highlight its AAA rating.

Mr Cameron interjected.

The ACTING SPEAKER (Mr Kilgour) — Order! The minister will have his opportunity to close the debate later. The honourable member for Wimmera, without assistance.

Mr DELAHUNTY — Thank you, Mr Acting Speaker. Before I get off my billycart on this one — —

Mr Savage — An apt description for the National Party — in their billycarts!

Mr DELAHUNTY — At least we've got one.

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Mildura will also get the call at a later time if he likes to stand. The honourable member for Wimmera, without assistance!

Mr DELAHUNTY — Billycart challenges are held at Harrow, Mr Acting Speaker, and we might have to challenge the honourable member for Mildura to a race down the hill there. I am pleased to be able to promote that event for the people of Harrow.

The Premier is contravening the act and the charter he signed with the Independents. In the lead-up to the last election the Premier met with the Sunbury Residents Association. He wrote to the association on 10 August 1999, and I will quote a couple of paragraphs:

> In regard to Sunbury, I believe there is sufficient — —

Mr Cameron — On a point of order, Mr Acting Speaker, I ask you to bring the honourable member for Wimmera back to the bill, which relates to the City of Melbourne.

The ACTING SPEAKER (Mr Kilgour) — Order! I do not uphold the point of order, but I advise the honourable member for Wimmera that the debate is on the City of Melbourne Bill and ask that he remain relevant.

Mr DELAHUNTY — I ask for your forbearance, Mr Acting Speaker, as I am trying to highlight the fact that the minister seems to have a process of sacking councils and not complying with his party's policy on local government.

I return to the letter that is signed by the Premier:

> In regard to Sunbury, I believe there is a sufficient local groundswell for a separate municipality from the City of Hume to warrant a poll of Sunbury and district residents.
>
> Under a Bracks Labor government this poll will be concluded in the first year of our first term of office …

They will not even respond to that.

The council facilitation process, chaired by former Premier Joan Kirner, came up with a seven-point action plan. It recommended the introduction of legislation to establish a capital city committee. Melbourne City Council agreed to the seven actions in the report and has already started to initiate many of the recommendations. Given the findings of the independent panel, it is a pity that the minister — I think within an hour of the report being released — introduced this bill to sack the council.

Mr Plowman interjected.

Mr DELAHUNTY — He must have, unless he made it within an hour after — —

The ACTING SPEAKER (Mr Kilgour) — Order! The honourable member for Wimmera should ignore interjections.

Mr DELAHUNTY — The Honourable Jeanette Powell, a member for North Eastern Province in another place, attended a forum on the capital city committee. There would have been some great opportunities for better cooperation between the government and the Melbourne City Council had the government implemented something like that committee rather than the proposals in the bill, which dictate the way the council will operate, even to the timing and agenda of meetings. The government has taken a dictatorial approach.

Ms Davies — Have you read my amendments? They go into a lot of detail.

Mr DELAHUNTY — No, I have not read your amendments.

The model of a capital city committee has been supported by the National Party, the Victorian Local Governance Association and the Municipal Association of Victoria. If the committee were established there would be no need to sack the council. The National Party has the support of the organisations I listed when it condemns the government for not implementing the proposal put forward by the independent panel.

A pamphlet headed 'Our commitment' was attached to last year's rate notices from the City of Melbourne. It includes the following statement by Cr Martin Brennan:

> The City of Melbourne is committed to maintaining our strong record of responsible and balanced financial management, while continuing to deliver a program of projects and initiatives that will bring our vision for Melbourne to reality.
>
> …
>
> Council's 2000–01 budget features a broad range of initiatives to ensure the city is safe as well as economically and environmentally sustainable.

The pamphlet also highlights what the rates pay for. The council is creating a safer city by spending $2 million to make Melbourne an even safer place in which to live or work or to visit. It is maintaining Melbourne as Australia's arts capital by providing $1.8 million in arts funding and spending more than $800 000 on innovative events and programs.

It is also ensuring that Melbourne remains a key business centre — important not only for Victoria but also for Australia — by spending $4.5 million to support the city's local, national and global marketing strategy. It is also supporting Melbourne's diversity by spending about $1.5 million on citizens who most need help — an initiative that should be supported by all.

The council is ensuring that Melbourne remains Australia's strong sporting capital by investing more than $4 million in sporting clubs and associations as

well as capital works. It is spending $21.8 million on capital works to change the face of Melbourne. As honourable members will note, the Melbourne City Council is a strong and economically viable council. I cannot see any reason why the bill that will sack its members needs to be passed.

A discussion paper released by the Municipal Association of Victoria highlights some of the concerns held by members of the National Party:

> The possibility of the Victorian state government dismissing the Melbourne City Council has provided fodder for newspaper headlines for over 20 years. There are striking similarities between the circumstances and negative publicity before the 1981 sacking of the MCC and events in 2000 and 2001.
>
> This time, instead of dismissing the MCC, the state government has announced that the MCC will be required to go to an early election.

In other words, it is not sacking the council but putting it through a slow death. The minister has to do either one thing or the other. He procrastinated on this matter and the people are still there, doing their jobs, but importantly now they are preparing for the next election, which he has brought forward. My concerns highlight the existing tensions between the council and the government. The minister has again failed on this matter.

As members of Parliament we receive letters from our constituents. Michael Kennedy, who is a resident, ratepayer, property owner and employer in the City of Melbourne, wrote to me saying:

> The bill before the Parliament concerning the City of Melbourne disenfranchises me and renders local government irrelevant —

I hope the minister is listening. I repeat 'irrelevant'! Mr Kennedy has grave concerns about the bill.

A letter from the Lord Mayor of Melbourne to the Honourable Jeanette Powell states:

> The council has condemned this undemocratic intrusion into its term of office.
>
> It is council's view that the state's decision disregards both the right of the community to have a say in a decision of this nature, and the recommendations of the report *A Way Forward* prepared by Joan Kirner and the facilitation panel.

The elected councillors are upset about the process they are being put through. As I have said many times, no test has been applied by the government. No doubt the minister has a copy of the Local Government Act, but if he has not I will give him one. Section 1, which sets out the purpose of the act, states:

> The purpose of this Act is to —
>
> (a) provide for a democratic, efficient and effective system of local government in Victoria; and
>
> (b) provide for an accountable system of local government …

All those elements have been addressed by the Melbourne City Council.

Page 206 of the act describes the process for inquiries, reviews and suspensions of councils. Section 209(1) states:

> The Minister may appoint a person as a Commissioner —
>
> (a) to conduct an inquiry into matters relating to the affairs of a Council; and
>
> (b) to report in writing to the Minister on those matters …

The act provides for a process the minister could have used, but he did not do so. Section 217 of the act provides the minister with the opportunity to give notice to a council of the reasons for and the subject of an inquiry into that council. Again, he did not go down that track. He did not even use the act which was there for him to use.

Under section 219, suspension of councillors, the act states:

> (1) The Minister may recommend to the Governor in Council that all of the Councillors of a Council be suspended, if the Minister is satisfied on reasonable grounds that the Council has failed in a serious or ongoing respect —

to provide good government; to form or maintain a quorum; and to comply with any law — all those things are listed. Not once has the high jump bar been tested on these things with the Melbourne City Council. The minister did not apply the test and has therefore failed again on this matter.

The National Party believes that with its introduction of the City of Melbourne Bill the Labor government is breaking its own election promise and the charter it signed with the Independents. We oppose the bill because of the dangerous precedent it would set to other councils across the state. I am sure there are many councils in Victoria which do not have unanimous decisions and in which people are trembling in their shoes. If this bill goes through the minister could sack them for not being unified in their decision making. The National Party believes Labor's election promise was that it would respect local government.

Members of the National Party have been strong supporters of local government. Many of us have

served in local government, and therefore know what goes on.

Ms Davies — What sort of a local government did you serve on?

Mr DELAHUNTY — I am very proud of my achievements in local government — more than I can say for some of the things you have done.

This bill demonstrates the government's utter disrespect for the notion that councils should be able to go about their business without state intervention. There is no evidence of corruption or serious failure in the Melbourne City Council. We believe robust debate in local government can be a good thing and should certainly not be a cause of interference by the state government. Does the bill mean that any council in Victoria which has some internal conflict should be sacked? We in the National Party say no and are opposed to this bill.

Mr CARLI (Coburg) — I support the City of Melbourne Bill. I need to make a few comments about the picture of the Melbourne City Council that was presented by the honourable member for Wimmera, who was a commissioner through a process imposed by a state government on local government. He indicated that somehow local government rises above politics and the objectives of governments in general. The honourable member painted a picture of an idyllic land of milk and honey in which there was peace, love and understanding. How could anything possibly happen when the Melbourne City Council functioned so efficiently and effectively?

Anyone who has had dealings with the Melbourne City Council and has spoken to local communities and business interests, like the honourable member for Prahran did, found that it was far from idyllic. In fact, the work done by Joan Kirner and Alan Hunt revealed that there had been a breakdown in governance in the City of Melbourne. We are dealing with a particular set of circumstances. There was intense infighting; there were shifting alliances — it was very much a public brawl. As someone who actually dealt with the council I can say that the council, in part, became non-functional. It was impossible to get things done through the council.

What the government found when it consulted the people who had to deal with the City of Melbourne was that ultimately there was a structural problem. The actual problem lay in the previous legislation which created the City of Melbourne and its boundaries and voting system. With this bill the government is providing a level of stability within the City of Melbourne to ensure that it can function.

Criticisms have been levelled by the two speakers so far and also by the Victorian Local Governance Association that somehow this is about the state government imposing its will on local government. However, the bill provides for a directly elected Lord Mayor and Deputy Lord Mayor who will have a mandate from the people. There will have to be a situation of collaboration and understanding. Equally, it must be understood that that is in the context of a capital city which projects the image of Melbourne and Victoria to the rest of the world. By providing for the direct election of the Lord Mayor the government is giving that person and that council an incredible authority.

Although the government cannot legislate to ensure that there will be goodwill between it and the City of Melbourne, it can — and does with this bill — set up the necessary mechanisms to allow that to happen.

This is a unique bill. Melbourne is the state's capital city, and it is important that its council provides stability and leadership and that it fits in and works with state government — and federal government — on overall strategies and objectives. I believe that needs to be achieved in terms of their being equals — each understanding that they have a particular role and that there has to be a level of commitment and goodwill.

That level of goodwill can best be attained by creating a situation of stability and ensuring that the Lord Mayor, the Deputy Lord Mayor and the councillors can go to the people with clear objectives of what they are doing, unlike what occurred with the previous council, where the Lord Mayor was elected by one political alliance — an unholy alliance. That alliance shifted, and he lost the support of those people but gained support from the people who first opposed him. Currently there is an incredibly fluid and unstable situation. The government is trying to improve that.

That uniqueness extends to the system of voting. The government does not intend to introduce direct elections for mayors and deputy mayors throughout Victoria. That is unique to Melbourne, and follows the pattern throughout Australia of capital city mayors being directly elected. It recognises the importance of having a person of a certain stature and of creating a level of stability and vision for the city. So this is a unique bill with a unique voting system.

Equally, the above-and-below-line voting, which will be used for the proportional side of Melbourne City

Council elections, is unique. The government is not considering introducing it for the election of other councils. In this capital city direct election of the Lord Mayor is important. The government has chosen to provide for the direct election of a Lord Mayor and a Deputy Lord Mayor at the same time to provide a level of stability, to ensure that a lot of people do not seek the same job and undermine each other, and to allow for broad alliances in the community — so it does not end up, as the honourable member for Prahran suggested, as just petty party politics. If it is to work there has to be a broad alliance; that is the only way for a Lord Mayor to be elected.

The bill is about stability and alliances and providing that level of leadership, which Melbourne needs. The government is confident that the bill will provide that stability and leadership and will enable cooperation between the state and local governments.

I have heard a number of complaints that somehow this is too intrusive by the state government. It is about partnership. The government cannot legislate for goodwill; it can only function with goodwill. That relationship is unable to work if there is not goodwill between the partners.

A number of issues have been raised about clause 8. An important one is that it is the Premier and his nominee who can call meetings between the Lord Mayor, the council and the state government. That nominee will have to be a minister; that is protocol, it is sensible and it is the only way it can work.

A unique circumstance led to the creation of the bill. It is not, as the honourable member for Wimmera suggests, a sacking of the council; there has been an absolute loss of governance in the council. Earlier elections will be called, and that concept has popular support. More importantly, a level of structural change will provide stability and leadership for the City of Melbourne.

The honourable member for Prahran referred to clause 28, and that is a carryover issue. It deals with what could be seen as the interference or the role of the Minister for Local Government with regard to the revenue spending of the City of Melbourne. It may be true that it is a redundant clause, and that is something the government is investigating at the moment. The reason it stands and has been carried over from the previous bill is that there may be some old orders that need to be protected, or there may be a need to ensure they will continue.

So far the government and the minister have not been able to identify any such orders, and it may well be that while the bill is between this house and the next it will be determined whether there are any old orders. It may be that they are redundant and can be removed by the time the bill reaches the upper house. Clause 28 should be seen in the context of the transition undertaken by the previous government, the fact that it is a carryover from previous legislation, and that it may not survive the passage through to the next house.

I turn to issues raised by clauses 7 and 8 with regard to cooperation between the capital city, the City of Melbourne, and the state government. Clause 7 sets out a series of new objectives that go beyond those of other councils and highlight the prominent and important role of the City of Melbourne as the capital of Victoria. It relates to the strategic direction of both the City of Melbourne and the state government with regard to policies on social, environmental and cultural issues. Clearly it is important that there be some level of alignment between the policies of the state government and those of the capital city.

The partnership between the city and the state is set out in clauses 7 and 8. It is in the context of a formal structure, with the stakeholders having the necessary duties and responsibilities set out. It is not dictatorial; it is not a case of the state government, or the Premier or the minister, imposing their will: it is about trying to create the necessary collaborative structure.

The government cannot legislate for goodwill or cooperation; it can only create the mechanism by which it may occur. That is certainly what is being done through the bill. It is intended that the City of Melbourne will have a structure which gives it the confidence of the voters and business interests of the city and which can work collaboratively with the state government. It is an important element that has been missing in the City of Melbourne. The government believes it is not simply a result of the infighting we have seen but is a structural defect created by the previous legislation and the configuration of the City of Melbourne.

This is an important bill, and I appreciate the support given to it by Liberal opposition members. I appreciate also the work that has been done by the honourable member for Prahran, who has undertaken a considerable amount of consultation. I appreciate the work done by the minister and by those involved in the consultative process undertaken by the government.

When the government began the consultative process, as a political party we were not at first convinced about

the concept of a directly elected mayor. That provision is a direct result of the consultative process, and the support for the idea has been reflected in the consultative process undertaken by the honourable member for Prahran. It is a pity that the honourable member for Wimmera and National Party members did not undertake an equally thorough process of consultation. I wish the bill swift passage through the Parliament.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member for Gippsland West, contributing to the debate.

Mrs Peulich — On a point of order, Mr Acting Speaker, it was my understanding that Labor and Liberal Party speakers would alternate with National Party and Independent speakers.

Mr Cameron interjected.

Mrs Peulich — I beg your pardon, Mr Acting Speaker.

The ACTING SPEAKER (Mr Seitz) — Order! There is no point of order. The honourable member for Gippsland West.

Ms DAVIES (Gippsland West) — I welcome the opportunity to speak on the bill. I noted with some interest the contribution of the honourable member for Wimmera, and it needs to be clearly noted that the honourable member was a commissioner and part of the damaging antidemocratic process on local government that the last government was involved in. The honourable member quoted from the Independents charter, and I hope in the future he and his National Party colleagues will continue to learn the benefits of a memorandum of understanding as opposed to a coalition agreement.

The bill alters the electoral structure of the City of Melbourne. It provides for direct election of a teamed Lord Mayor and Deputy Lord Mayor and allows for the early election of the Melbourne City Council under a new arrangement of a single electorate and proportional voting. To an extent I have attempted to stay out of some of the hurly-burly of the debate. I attempt to be sensitive to my place as a rural member of Parliament, and I am very careful about trying to tell the Melbourne City Council how to organise itself or its relationship with the state government. However, important principles are at stake and I have no choice but to be involved.

In general I am not a supporter of direct election for the positions of Lord Mayor and Deputy Lord Mayor. I believe the single biggest factor influencing direct elections is likely to be political parties who have the campaign experience and organisation to develop a public campaign and influence the outcome. The other possibility is that such a direct election will favour people already with a high public profile who are not necessarily the best people to encourage a working team approach within a council. However, I accept there is strong community support for direct election. I accept that it works in other states, and I was prepared to support those parts of the bill.

Clause 7 of part 2 of the bill describes the council's objectives, and clause 8 describes meetings between the state government and the council. I have serious concerns about those clauses. I believe those clauses give the state government too much direct influence on the workings of the Melbourne City Council.

I have tabled amendments that seek to redress that imbalance, and they are supported by the Victorian Local Governance Association and some resident groups. They are simple amendments the objective of which is to remove the element of compulsion from the council–state government relationship and to reduce the capacity of the state government to bend council to its wishes.

It is appropriate for the Melbourne City Council to consult with the state government and to seek alignments with state government policy directions. However, I do not believe the legislation should compel local government to ensure alignment with those policies, as the current wording of the bill states.

I also submitted amendments to clause 8, which describe the meetings between state government and council. If the state government convenes meetings with the Lord Mayor to discuss policy directions and objectives, I believe it is appropriate for the minister or the Premier to attend those meetings. I do not believe it is acceptable to have an unelected official from the government attempting to influence elected councillors. So there is a further amendment to clause 8 to clarify that point.

The amendments I have circulated also seek to delete section 28. As currently worded, section 28 gives the state government the right to direct council on how council spends its own revenue. I do not believe that is acceptable. I note the comment made by the previous speaker, the honourable member for Coburg, that the government will look to possibly removing that provision of the bill as it passes between houses, and I hope that eventuates.

The honourable member for Gippsland East has circulated other amendments on the voting system outlined in the bill which we believe, as written, encourages party politics in local government. I also support those amendments.

I began by saying that I was initially reluctant to interfere in the city council set-up. However, I believe the bill has potential precedents for other councils and they are not acceptable precedents. I have a very strong belief in local government, a belief that local government has its own legitimacy and its own role as an advocate for local areas and for people in those areas. It is not acceptable for any state organisation to try to control local government. The previous government attempted to control local government by controlling the chief executive officers and the bureaucracy. Those forced amalgamations had a very destabilising and disfranchising impact on local communities, an impact with which we are still dealing. I do not want a repeat of that situation.

I have sought the cooperation of the government and the opposition in enabling the amendments I have circulated to be properly debated and voted on. However, I have not received that cooperation. I will therefore vote against the bill.

Perhaps I should correct the record on my voting habits. It is not usually necessary for me to vote against whole bills. The government is generally willing to negotiate amendments on particular issues relating to particular bills, not just with the Independents but also with the opposition. Sometimes it is more important to focus on the goal one wishes to achieve rather than making loud public statements!

In this case persuasion has not been successful. I wish to register very strongly that the bill should not be used by the government or any future government as any kind of precedent for the local government sector in general. That would not be acceptable. Because the government and the Liberal opposition will vote in favour of this bill, I acknowledge that it will pass through Parliament. However, I register my rejection of very significant elements of the bill and will be voting against it.

Mrs PEULICH (Bentleigh) — In speaking on the bill, I support the position of the shadow Minister for Local Government, the honourable member for Prahran. As she has indicated, the Liberal Party will not vote it down, not because it believes the substance of the bill is commendable or worthy but because it would leave the Melbourne City Council in a fairly precarious situation — to languish and to continue to be undermined by a minister and a government as was obvious in the lead-up to this decision.

Mr Savage — Are you going to sack them?

Mrs PEULICH — The Bracks Labor government, which had a strong commitment in its election platform to local democracy and the respecting of local democracy, is breaking a core commitment in the proposed legislation.

This is a confession — this is Bob's baby. The mechanism that Bob is putting in place is the mechanism for which he will be held responsible and of which he will bear the fruit.

The Liberal Party will not vote it down because, if it did, this minister and this Labor government would continue to obstruct the Melbourne City Council, to neglect it and to undermine it. We certainly saw a great deal of evidence of that in the lead-up to the setting up of the climate for a dismissal — an unfair dismissal in many ways!

An honourable member interjected.

Mrs PEULICH — Was a proper investigation conducted to establish the precise grounds for dismissal? The answer is no. It is also interesting that just a few days ago the Melbourne City Council received an AAA rating from Standard and Poor's for its financial management and handling of affairs.

I am not aware of any investigation being conducted. What was interesting was the content of some of the background stories before and after this particular act on behalf of the Minister for Local Government.

I refer to the *Age* article of 19 December 2000 headed 'Melbourne council effectively "sacked"'. Yes, they were certainly sacked but I would like to contend that it was not effective. In fact, it was appallingly handled. To set the scene, I will quote a couple of brief paragraphs:

> Local government Minister Bob Cameron moved against the deeply factionalised council only hours after its panel of peacemakers, headed by former Premier Joan Kirner, released a blueprint for reform.

That could hardly be construed as an act of a democratic nature. In particular it places the honourable member for Richmond, as a former member of that council, in a very precarious and interesting situation. I heard the reference being made to Judas, but I would not allege that. The minister is quoted in the article as saying:

> We are not wielding the axe. What we are doing is going about this in a democratic way.

A few days later in a subsequent article headed 'How the council was "sacked"', we see a photograph of the minister all but wielding the axe — certainly in the appropriate pose. I will quickly refer to that very colourful article, which obviously received a degree of backgrounding from the minister and, I suspect, his ministerial advisers. The 23 December 2000 article states:

> Bernie Dean, adviser to the local government minister, Bob Cameron, Brad Matheson, head of the Municipal Association of Victoria, and Mike Hill, of the Victorian Local Governance Association: Labor men, one and all.

The article outlines what appears to be some sort of a deal or arrangement that obviously fell through when the Premier personally intervened following the release of the Kirner, Hunt and Costello panel report outlining mechanisms for resolving the council's difficulties. One may well ask: who knows a council that is not divided? Most councils are, and one would contend that that may well be a strong feature of democracy. The council obviously exercised significant financial responsibility as evidenced by its credit rating.

One may also ask: what sinister reasons are there that have led the government, the Premier and this minister to set up a process to dismiss the council? Some very interesting stories could probably emerge as to the real act behind this betrayal. Who could explain why a government or its minister dismisses a council, effectively bringing forward elections by seven months? It does not make sense.

I heard the contribution of the honourable member for Gippsland West and — shock, horror — I actually agree with some of her comments! It is probably the first time in my life. I share her sentiments about local government not being a forum for party politics. Having been a member of local government and a member of a political party, I never ever caucused on decisions and I do not believe it is appropriate to do so. In fact, some of the most vigorous debates on council issues were with other people who were liberally inclined or even members of the Liberal Party. We never caucused, never voted as a block and that is how it ought to be.

One may well ask: has the minister's office intervened in time? Has it facilitated mediation when it should have? It obviously deliberately dismissed the panel report 3 hours after its release without reading it. Why? My local council, the City of Glen Eira, was also racked by bitter division and there was quite an impasse.

The former Minister for Planning and Local Government, the honourable member for Pakenham, appointed an investigator, a report was furnished, a process was set up, a mediator was appointed and the mechanisms were worked through. At the subsequent council election a decision was made to increase the number of councillors from six to nine. Now the council is working more effectively than it did in the past.

I do not understand why the Minister for Local Government instructed his department to sit on its hands and not offer support and mediation when it should have. The minister has abrogated his responsibilities. Why did he allow the council to fall over? What sinister motives are the minister and the Premier concealing in setting up an environment conducive to the government applauding this action? I would not trust them as far as I could throw them.

Mr Savage — Why are you voting for it?

Mrs PEULICH — The opposition is not voting against the bill, but it will not take responsibility for the mechanism being set up by the Labor government. It is its baby and its structure, and it ought to wear the consequences. The bill is a recipe for disaster and instability.

The Minister for Local Government waited and thought, 'How can I resolve the issue?'. He was grateful that the honourable member for Prahran set up the mechanism, a task force that other members of the Liberal Party and I were happy to be part of, because he needed ideas. He thought, 'How can I dig myself out of this deep poo?'. He had no ideas and was very grateful to wait for the honourable member for Prahran to release the recommendations of the Liberal Party.

How many backflips did the minister do? He has endorsed the concept of the popularly elected mayor, with no changes to boundaries. That means the tensions between the various interests in the central business district will continue. The election of the mayor and deputy mayor is an extraordinary concept. A business-focused mayor or deputy mayor, perhaps even with Liberal inclinations, could be elected with a feral Labor-controlled council. That would make the whole system unworkable. One could envisage that six months down the track the mayor would spit the dummy or throw in the towel because the system would be unworkable.

The bill is a contemptible party politicisation of Melbourne City Council. It is an appalling example of the Minister for Local Government failing to do his job,

failing to ensure that his department undertook the role it should have undertaken.

I could speak on this bill for a long time; however, given the limited time I will conclude my remarks. The legislation is about clawing back greater political power. The system will not work. The honourable member for Prahran and other Liberal members will not vote the measure down because we will not assist the Minister for Local Government or the Labor government to continue their sinister actions to undermine and deliberately neglect local government. They have to take responsibility for their decisions, which is why the Liberal Party will not oppose the legislation in the lower house.

Mr STEGGALL (Swan Hill) — I join the debate, even though I am told my contribution must be brief, to support the honourable member for Wimmera and, strangely enough, the Independents. I am delighted to have a coalition with them occasionally. It is a pity it has not occurred on other issues.

The City of Melbourne Bill is a significant measure. It alters the electoral structure of the City of Melbourne to establish a single, non-subdivided municipality represented by a Lord Mayor, a Deputy Lord Mayor and seven councillors. It provides for an early election to enable the new structure to be implemented without delay.

It also provides for the direct election of the Lord Mayor and the Deputy Lord Mayor and for greater coordination between the government and the council regarding matters of significance to Victoria. That final purpose is important for the council of a capital city — in this case Melbourne. The different objectives in the bill emphasise that importance. Although the bill contains direction powers, I suggest to all honourable members that if they closely examine the Local Government Act they will find direction powers to cover most issues.

I am sorry the Minister for Local Government is leaving the chamber, but I appreciate that he has another meeting to attend. This is clever legislation. In 1988 I took part in debate on the passage of the Local Government Act. The house debated that legislation prior to and then following the 1988 election. We debated it twice to make sure we got it right before the bill was passed in 1989.

The dismissal of councils was a sticking point during those debates. I was the lead speaker for the National Party and I recall that the sticking point was section 219 concerning the suspension of councillors. There was considerable argument about whether we would change the rule, which we did at the time, so that a minister could sack a council or suspend councillors. A process was established and a test was put into the act. The minister had to first apply a test if he or she was to sack a council. That provision has worked well.

This government wanted to sack a council, but it had no reason at law for doing so. In other words, it had no power under section 219 to sack the council. For political reasons the government had to find another mechanism to dismiss the council. It found this new you-beaut mechanism, which I must admit had not been thought of in 1988 or 1989, of simply changing the date of the election.

That is a clever mechanism, but I remind the house that the minister of the day has to apply a test as prescribed in the act. The minister can sack a council provided the minister applies the wide test as to whether the council was carrying out proper governance, was functioning properly, was maintaining quorums or was complying with the law. The government is introducing a new mechanism, but it is not bothering about the Local Government Act. It aims to bring forward the date of the election to force the dismissal of the council.

The measure has been invoked before, but not without the test being applied. Country members of Parliament have a closer relationship with local government than metropolitan members. In the electorate of Swan Hill there are four local council areas, whereas in Melbourne a local government area may cover four or even five electorates. It is the opposite in the country, because a country electorate may cover four or five council areas. That is why country members approach an issue such as this from a different perspective from that of our Melbourne colleagues.

It is wrong that a government or a minister should be able to remove a council by bringing forward an election date without having first applied the test set out in the act. That is the main reason the National Party will not support the bill and will vote against it.

If the government were keen to do that in good faith and in the good spirit in which local government bills have been debated in this chamber over the years, it might be a good idea to amend the legislation to apply the test for councils. I do not want to give a minister the power to sack a council just by bringing a date forward, which is what we are doing here. The bill will give the minister the power to dismiss any council he or she wishes without a test as to why it is being done. It goes against the spirit of the Local Government Act.

The Local Government Act has worked pretty well since it was rewritten. In 1989 the National Party opposed section 219 for the simple reason that it believed if a government wished to sack a council, it should get permission from the Parliament to do so. A minister should not have the power to dismiss a council on his or her own order. We lost that debate. At the time the Labor and Liberal parties voted the other way. That test was put into the legislation after much debate, arguing and fighting in this house, and I am sorry that a different set of rules will now be applied to local government. Well may local government say to the Bracks government that it has less feeling towards local government than did the previous government, which changed the structures of local government but not the act's functions.

The main difficulty I have is that the test that should be applied to the sacking of a council through the Local Government Act is not applied under this legislation. I believe that is wrong.

The bill also provides for the separate election of the mayor and the Deputy Lord Mayor. I am not keen on that provision and I would not have introduced it. However, I disagree with people who say this will not work. It will work, but it changes the traditional relationship between the mayor and councillors. I was formerly a two-time mayor of the City of Swan Hill. If I had been popularly elected as the mayor of that city and was then at odds with the council — and I suppose I spend most of my life at odds with the council — my relationship with other councillors would have been different. The legislation will work, but relationships will be different and there will be extra political tensions because of that change.

Many people are keen to have that system of government throughout the state and the commonwealth. The American and European presidential system works. Honourable members should be aware of that change in the legislation.

The bill proposes changes that are necessary for a capital city council. I agree that there should be different or additional objectives for a capital city council. The relationship between the state, through the Premier, and the council is formalised in the legislation. The Minister for Local Government is given powers in certain areas to direct any local council that he or she wishes. Clause 8 puts an additional position in place and also clarifies that from time to time there will be interference from the government in the running and operation of the City of Melbourne council.

Taking into account the history of the City of Melbourne over the years, most members of Parliament accept that occasionally the pressures between the state government and the capital city council will need to be handled. That is a difference between local councils and a capital city council.

The National Party opposes the legislation, particularly the provision that allows a minister to remove a council by changing an electoral date without applying a test as to its propriety and considering the operations of that council. That is the main reason the National Party will not accept the legislation. We do not like the precedents it sets or the weakening of the relationship between the state government and Victorian local councils.

Mrs MADDIGAN (Essendon) — I support the bill, which will greatly improve the operation of the City of Melbourne. I was somewhat surprised by the honourable member for Prahran referring back to comments by the Labor Party when the previous Kennett government sacked councillors in this city. It might have been worthwhile for the honourable member to have read those comments — she said she would not raise them — because if she had done so she would have seen that the concern of the Labor members at the time was about the Kennett government's removal of democratic processes from council operations. Councils were sacked and commissioners were put in their place, and the communities had no say in who governed their cities.

This is a totally different situation. The City of Melbourne has become unstable because of continual infighting. Action needed to be taken by the state government to ensure that the premier city in this state, which is a major player in Victoria's future, was operating on a sensible, sane and logical basis. The bringing forward of the election date effectively allows people who live in the City of Melbourne the opportunity to elect councillors who will work in harmony to provide better governance for the city.

The bill will enhance democracy in the City of Melbourne because it raises the status of the Lord Mayor and the Deputy Lord Mayor with the introduction of separate elections. It will allow residents of the city to have a direct say in their selection and will give them a special status. It will also provide them with a certainty in the undertaking of their functions.

All honourable members will have read the numerous press reports about the operation of the City of Melbourne. Those reports have been damaging not only for the city but also for local government generally and for Victoria. It does not enhance anyone's reputation if

on a regular basis the Deputy Lord Mayor is suggesting he will launch challenges against the mayor and other councillors are expressing no confidence in the mayor. The election of the Lord Mayor and the Deputy Lord Mayor for three years by the Melbourne constituency gives them validity and enables them to continue their operation in a manner that will provide for better and more stable government.

The direct election of the Lord Mayor is undertaken in every city except Melbourne, so the bill will bring Melbourne on stream with the other states. There is really no uniformity between the states; most do it in a different way. For example, in Hobart there are three ballots: a ballot for the Lord Mayor, a ballot for the Deputy Lord Mayor, and a further ballot for the councillors. In the City of Sydney there are two ballots: one for the Lord Mayor and one for the councillors. In Sydney one can nominate for the positions of Lord Mayor and councillor. The votes for the Lord Mayor are counted first so if you are elected as Lord Mayor, your name is automatically removed from the councillors' list. A whole range of operations are already in effect in Australia to provide for the independent election of the Lord Mayor and Deputy Lord Mayor.

The honourable member for Wimmera referred to an email he had received from the Victorian Local Governance Association. Unless he got a very different email from the one the rest of us got, he seems to have read into it many things that are not there. If I understood him correctly he was suggesting that the VLGA has said that the bill should not go through. That is not what it says in the email that I received. I would like to address the concerns of the VLGA which are outlined in the email that I assume is the same one received by the honourable member for Wimmera. It states:

> Of special concern are sections 7 (b) and (c) and 8 (1), (2) and (3).

That has already been partly discussed. It continues:

> These sections appear to create the conditions for an unequal partnership between the state government and the Melbourne City Council (MCC). They require MCC to align policies and programs to the state government and MCC to respond to meetings convened by or on behalf of the Premier.
>
> However, when read in conjunction with section 28, 'Power of minister in respect of use of revenue', the net impact is to reduce the capacity of MCC to properly manage its own affairs.

A number of provisions in the original bill have been transferred to the new bill to continue the powers, and clause 28 is one of those powers. There is a suggestion that the powers may be redundant. The minister has given an undertaking to look at that and if that is the case it will be dealt with when the bill goes to the upper house. The removal of the problem referred to in clause 28 will reduce the number of concerns that were raised earlier.

In relation to clauses 7 and 8, processes have to be put in place to ensure good operation between the City of Melbourne and the state government. In some states meetings are directed to be held on a regular basis. However, having meetings on a regular basis does not necessarily mean that people are going to cooperate. One of the main aims of the government is to ensure that there is a responsible and interactive relationship between the City of Melbourne and the state government based on goodwill and respect for each other's functions. That will not be achieved by forcing people to come to a table.

In terms of their relationship, the state government's responsibilities are different from those of the City of Melbourne. The state government has the responsibility for the strategic development of the state and that has an overriding effect on all local councils. Local councils including the City of Melbourne are responsible for planning and other activities that relate to their specific local government areas. To say that the responsibilities are either interchangeable or exactly the same is an incorrect understanding of the nature of government in Victoria.

The bill will be successful in providing a more efficient council for the City of Melbourne. It has been well received widely in my electorate which borders the City of Melbourne. Victorians can look forward to a city council that operates and cooperates with the state government in a way that will benefit the whole state.

Mr SAVAGE (Mildura) — After the change of government in 1999 I never envisaged that Parliament would be revisiting changes to local government acts and the operation of local government in general, or, not to mince words, the sacking of a council specifically. Some say that the proposed legislation is not bringing about a sacking, but bringing on an election early is a sacking and there is no other way of describing it.

An honourable member interjected.

Mr SAVAGE — The alternative is pretty scary, so let's not go down that path!

The Liberal and National parties know all about the decimation of local government. In 1995 the previous government sacked councils and reduced their number

from 210 to 78. The former Minister for Local Government in another place could be described as the Pol Pot of local government!

Some improvements have been seen as a consequence of those amalgamations — and one could say that there have been some peripheral ones — but in a general sense the mess is still there and has not been resolved. It is one of the reasons why some members of Parliament failed to succeed in rural and regional Victoria. I recall the motto of the former Shire of Kara Kara, which was 'Big enough to survive, small enough to care'. I wish there were more Victorian councils under that banner.

There is nothing more ridiculous than the statement made by the honourable member for Wimmera who said that the Independents had been dragged along by the National Party. I congratulate the National Party on its stand on the bill, but I can assure it that the Independents have not been dragged along by them. However, we are in unison in our opposition to the principles of the bill.

My Independent colleagues and I are concerned about the direction the government is taking on this issue and view it as an assault on local government. We feel the issue should be given more consideration: it is enshrined in the Independents charter. It is true that the standard of performance by some members of the Melbourne City Council leaves a lot to be desired. I understand that one councillor did not turn up to meetings for seven months and the amount of expenses drawn by some councillors has taken the issue of probity and standards of behaviour to a very disappointing level. That does not necessarily justify the sacking of the council, but it does cause concern.

My greatest concern is the above-the-line voting. When there are only 35 000 voters in a municipality it is not a statewide election; it is a very limited situation and it is not necessary to follow that path. There can still be groupings below the line. A simplistic voting card does not have to be created on the basis of a small population of voters. It gives an opportunity to people to be politically manipulative of the council. Equally disturbing, interest groups who are well financed can put groups together to hijack councils in an effective way. In the summing up at the end of the debate I hope to hear an undertaking from the minister that there will be no flow-on effect of above-the-line voting to any other council in Victoria. I am advised that that undertaking will be forthcoming.

Groups will be advantaged if there is an open polling day, because their tickets will be posted in polling places by a returning officer whereas Independents and single candidates will not have that privilege. Groups will have an advantage in getting their deposits back because as a group they can achieve 4 per cent of the vote, but Independent and single candidates must reach 4 per cent on their own. Victorians are opposed to lobby groups and politics in local government. This has especially been the case in regional Victoria.

The Liberal Party's position on the bill is confusing. It cannot speak against and be critical of the bill and then vote for it. That is the outcome that honourable members will be facing in the house today. I will be voting against the bill. If you do not like proposed legislation, think it is bad but then vote for it, it is an endorsement. There is no other way of interpreting it. You have to be both careful and consistent. The Liberal Party is doing itself a disservice when it takes that line. If, in its words, this is bad legislation, it should vote against it. It is inappropriate and irresponsible for a member of Parliament to endorse bad legislation having said it is bad.

An article in today's *Age* states that the Minister for Local Government congratulated the honourable member for Prahran. In the time that I have been in this place the honourable member for Prahran has been a very competent representative and has always treated me with politeness, which makes her unique.

Honourable members interjecting.

Mr SAVAGE — I question the minister's comment as reported in today's newspaper. He thanked the honourable member for Prahran because with her support the Melbourne City Council would get 'a horse rather than a camel'. Some people would say that camels are better than horses!

I am also concerned about the comment of the honourable member for Prahran as reported in the article:

> I see [this bill] as somewhat temporary.

The temporary accommodation of members has been at the back of Parliament House for 25 years. What is the definition of 'temporary'?

Victorians want control of their local government. They do not want lobby groups or business interests hijacking control. They want to be in charge of it and the bill goes a long way towards destroying that principle.

Debate interrupted pursuant to sessional orders.

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

QUESTIONS WITHOUT NOTICE

Land tax: small business

Dr NAPTHINE (Leader of the Opposition) — My question is to the Premier: given the vast public outrage at the government's refusal to rule out the billion-dollar land tax grab contained in the government's business tax review — —

Honourable members interjecting.

The SPEAKER — Order! I ask honourable members to come to order, especially the honourable members for Mordialloc and Keilor. Question time has hardly begun, but already the house is beginning to waste its own time.

Dr NAPTHINE — Given the vast public outrage at the government's refusal to rule out the massive billion-dollar land tax grab contained in the government's business tax review, I ask: will the Premier now agree with the Liberal Party and the vast majority of Victorians that the proposed land tax should be ruled out immediately?

Mrs Peulich interjected.

The SPEAKER — Order! The honourable member for Bentleigh!

Mr BRACKS (Premier) — I thank the honourable member for his question. The government sought an expert panel to develop alternatives for business tax options in this state. That panel has reported.

We are happy to have consultation with the business community. We take a different approach from that of the previous government because we are happy to listen to and work with the business community, and at the end of it we will have a very good package for small business.

Industrial relations: commonwealth act amendments

Mr NARDELLA (Melton) — I refer the Premier to the 250 000 Victorian workers who have been left on the scrap heap — —

Honourable members interjecting.

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

Mr NARDELLA — I refer to the workers who were left on the scrap heap by the Liberal and National parties, and I ask: what action will the government take to protect these vulnerable workers?

Mr BRACKS (Premier) — I thank the honourable member for his question. It is worth noting the unbelievable glee and joy on the other side when the honourable member addressed the question of putting on the scrap heap 250 000 workers who are now, because of the Liberal Party blocking of the legislation, receiving five minimum working conditions.

The federal laws — encompassing the Australian workplace agreement — allow for 20 minimum conditions. That is what was decided last night. It was only last weekend that the Liberal Party — —

Ms Asher interjected.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition to cease interjecting.

Mr BRACKS — It was only last weekend that the Liberal Party leader said he was prepared to listen, to take the concerns of the community with him, but in the space of three days he has reverted to the old Kennett laws — the old Employee Relations Act.

He has adopted that stance by not listening to the community, and by saying that these 250 000 workers will not get paid one cent by law if they work over 38 hours a week. In addition the Liberal Party has decided that they will not get bereavement leave and they will not get holiday leave loading.

We are seeing the old Kennett policies endorsed by the current opposition. The Kennett government laws condemned these workers to second-class status under the industrial relations system, and they have been endorsed and supported by the current Liberal Party here in Victoria.

In response to this blocking of the legislation, I have asked the Minister for Industrial Relations, Monica Gould, to write to her counterpart, the federal workplace relations minister.

Honourable members interjecting.

The SPEAKER — Order! I ask the honourable member for Bentleigh to cease interjecting in that vein. It is the second time the Chair has called her during this question time.

Mr BRACKS — While the previous government referred a large amount of the industrial relations legislation to the federal government, it did not refer all the matters to it. Given that this matter — that is, the

mandate, the policy of the government on which it was freely elected — has now been blocked by the opposition parties, the government will now seek the cooperation of the federal workplace relations minister to implement the equivalent arrangements that operate under the federal system in Victoria — an exact replica of them. In fact, it will ask the minister for a fair go for Victorian workers. That is what it will seek from him.

In asking for that fair go, the government is prepared to put in a new response to the federal government, given that it has been blocked, to refer other industrial relations powers — that is, common rule — which will enable the equivalent arrangements that operate for other workers under the Australian workplace agreements or federal awards to operate for this group of 250 000 workers.

If the federal workplace relations minister is fair dinkum and wants an equivalent system and a fair go, all he has to do is give exactly the same conditions to these workers as are given to the rest of the work force. Most Victorians and Australians would say that is fair. Most people would ask what is fair about having a unique and separate condition in Victoria that does not exist — —

Dr Napthine interjected.

The SPEAKER — Order! I ask the Leader of the Opposition to cease interjecting, thus prolonging the Premier's answer.

Mr BRACKS — He is just following the old Kennett policies. The equivalent arrangements that operate federally should operate in Victoria. That is fair; that is just; and it should happen here.

Barley: industry deregulation

Mr RYAN (Leader of the National Party) — I refer the Premier to the decision announced by the federal government yesterday to extend the single desk for wheat exports. Given that the decision, which was supported by the federal Labor Party, follows that of Western Australia, South Australia, New South Wales and Queensland in extending their respective single desks for barley, and noting Victoria's increasing isolation on this issue, will the Premier reconsider his government's position by taking into consideration the interests of the large majority of barley producers, the maltsters and the rest of the barley industry in Victoria?

Mr BRACKS (Premier) — I thank the Leader of the National Party for his question. I assume he is referring to the government's decision to remove the single desk for barley?

Mr Ryan interjected.

Mr BRACKS — Right. That has been a consistent policy position — it was the policy of the previous coalition government. It was the expectation in the industry, and the plans and proposal in the investment industry were predicated on the basis that it would continue — that is, that Victoria would have a competitive arrangement, not a single desk for barley. That is something the government supported following a competition policy review of the barley industry in Victoria. It is something the National Party used to support when it was tied to the Kennett government, but it has now conveniently changed its position. I am not sure what principle applied, but it has changed its position.

The government is doing what is fair and right for the industry to encourage economic development and growth, and Victoria's barley industry will be able to steal the march on the other states. We have seen the benefits that have accrued to Victoria from deregulating the dairy industry, and those same benefits will accrue in the barley industry.

It is regrettable that the National Party in Victoria has no principles or values; it slavishly followed the previous Kennett government, but when in opposition it simply changes without any rationale.

Economy: building approvals

Ms BARKER (Oakleigh) — Will the Minister for Planning inform the house how Victoria's building industry has performed under the Bracks government compared with the performances of the other states?

Mr THWAITES (Minister for Planning) — While the rest of Australia suffered a significant downturn in building approvals after the introduction of the GST, Victoria's building industry has defied the nation and posted a near record year in 2000, with $9.7 billion in building activity.

According to the Australian Bureau of Statistics Victoria was the only state in Australia to record an increase in building approvals in 2000. Victoria is performing better than any other state. This time last year in the house and in the press the Leader of the Opposition was trying to talk down the Victorian economy. This time last year he said, 'Confidence in Victoria is falling rapidly because of the influence of the Bracks Labor government on the economy'. The business community has taken about as much notice of the Leader of the Opposition as has the rest of the public — that is, none at all, because the government has performed magnificently in Victoria.

The total value of building approved in Victoria increased 10 per cent from 1999 compared with a 5 per cent decline nationally. The New South Wales building industry experienced a 14 per cent fall.

Mr Ryan interjected.

Mr THWAITES — The Leader of the National Party is interjecting about government activities and the contribution the government makes, and it is interesting that the Bracks government has increased its level of building activity in rural Victoria, with residential building and public housing up from $8 million to $17 million and state government office construction up from $7 million to $22 million. We are doing what you never would — spending in rural Victoria.

Home approvals are an issue that has concerned the state and the country for some time. In February Victoria had 35 per cent of all national home approvals, although we represent only 25 per cent of the population. What a great record!

What is positive is the way in which regional Victoria is now performing. The City of Greater Geelong had the most building activity in regional Victoria, amounting to works of $300 million in 2000. The south-western region, which the Leader of the Opposition represents, had $558 million of building work, Ballarat had $140 million, and Bendigo had $118 million.

Mr Maclellan — On a point of order, Mr Speaker, because the news is so good, I wonder if the minister would make the figures available to the house.

The SPEAKER — Order! There is no point of order

Mr THWAITES — I am informing all members of the magnificent figures throughout the state. Victoria's building industry is holding up better than any other state because the business community has confidence in the Bracks government.

MAS: royal commission

Mr DOYLE (Malvern) — I refer the Minister for Health to a leaked ministerial briefing note of 16 May 2000 which identifies the issue of 000 call delay problems and which states:

> In April the Metropolitan Ambulance Service advised the department that the way Telstra presents 000 calls to Intergraph may result in the percentage of calls answered in 5 seconds being inflated.

If this issue was so urgent that the royal commission needed to have three terms of reference removed and a 000 term of reference added, as claimed by the Premier's press release of 25 September, why did the minister do nothing for the four months he knew about it?

Mr THWAITES (Minister for Health) — The honourable member for Malvern has continued to seek to attack the Metropolitan Ambulance Service royal commission because it is investigating the matter that he and his government refused to investigate for many years. It is clear from the matters that the royal commission is investigating that for many years under the previous — —

Mr Doyle — On a point of order of relevance, Mr Speaker, this is a question not about the royal commission but about the minister. I ask him to explain that.

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

Mr THWAITES — The royal commission is investigating the very issues that the honourable member is talking about, the 000 calls. It turns out that for years while the honourable member for Malvern was parliamentary secretary these matters were going on. It is worse than that because when these matters were raised by me in opposition the honourable member for Malvern said that he would conduct an audit into these matters. He purported to have an audit. Then having conducted an audit that he had arranged, he said there was nothing wrong. It was not until the Auditor-General — —

Mr Doyle — On a point of order, Mr Speaker, again I must ask you to consider the matter of relevance. This is not about my performance as parliamentary secretary or about the royal commission but about why when the minister knew about this issue he did nothing for four months.

The SPEAKER — Order! The honourable member for Malvern raises a point of order on the question of relevance. I shall not permit him to debate the issue. I am prepared to rule on that.

Honourable members interjecting.

The SPEAKER — Order! The Chair is growing increasingly impatient with the lack of respect that is being shown while I am on my feet, firstly by the Minister for Police and Emergency Services, and then compounded by a number of opposition members.

I do not uphold the point of order on the question of relevance. The question that the honourable member for

Malvern asked was in relation to delays on the 000 emergency number. The minister was being relevant.

Mr THWAITES — This government is doing what the previous government would never do. It is conducting a proper investigation of this matter. The honourable member for Malvern, when he was parliamentary secretary, purported to conduct an investigation into this issue. What he did was conduct a whitewash investigation. He then went to the press and said — —

Mr Rowe — On a point of order, Mr Speaker, the Minister for Health is clearly debating the question rather than advising the house why he did nothing for four months.

The SPEAKER — Order! I do not uphold the point of order. The Minister for Health was providing information concerning the delay. The Chair is not in a position to direct a minister to answer the question in a way the person who asked the question or any other honourable member might wish. Provided the minister remains relevant I will continue to hear him.

Mr THWAITES — The government is doing the right thing and is investigating the matters. What it is not doing is conducting a sham investigation then going to the press, like the honourable member did, and claiming that Intergraph was clear. It was the — —

Dr Napthine interjected.

Mr THWAITES — Yes, the terms of reference were changed to investigate the very matter that the honourable member for Malvern is talking about, although he did nothing for four years. The honourable member for Malvern complains about expenditure on the royal commission.

The SPEAKER — Order! I am now of the opinion that the Minister for Health is debating the question. I ask him to return to answering the question, and remind him of his obligation to be succinct. Even allowing for interruptions he has now been speaking for 6 minutes.

Mr THWAITES — The government is doing what the other side of the house would never do — that is, conduct a proper investigation of these matters. In the four years during which he was parliamentary secretary the honourable member for Malvern did nothing but cover up these matters.

Gaming: machines

Ms LINDELL (Carrum) — Will the Minister for Gaming inform the house whether there has been any response to Victoria's campaign for national standards for electronic gaming machines.

Mr PANDAZOPOULOS (Minister for Gaming) — I thank the honourable member for Carrum, who is a strong supporter of the government's responsible gambling strategy, which the former government did not have the heart to deliver despite the advice of the regulator.

The Bracks government has been doing Australian firsts — Australian firsts for new advertising regulations and the introduction of regional caps. Nationally it has led the way on many reforms, including giving local communities a say in gaming; strengthening the independence of the Victorian Casino and Gaming Authority; establishing an independent research panel; placing clocks on every gaming machine and ensuring natural light equivalent standards. Other states and the commonwealth are examining Victoria's initiatives. As all Australia starts to be concerned about the effects of gambling they want to deliver a responsible gambling strategy and will piggyback on Victoria's initiatives.

The Labor Party made a commitment during the election campaign to provide more player information. In order to make appropriate decisions about how much they gamble and when they should walk away, people need access to information. As part of the government's responsible gambling strategy a consultation process was developed. The need for player information was confirmed by the many submissions and responses received from the 13 public forums conducted throughout the state. A clear message was received that the best way to go was a national approach to gaming machine redesign. Victoria has led the way in many areas. The commonwealth has made a lot of noise but has not focused on issues of real concern.

I am pleased to inform the house that, following moves by Victoria for a new national standard, the Australian regulators have approved a redesign for all gaming machines in Australia. It is clear that punters are confused by credits. The message came through that gaming machines should indicate dollar amounts as well as credits. Encouraged by Victoria, that requirement becomes effective on 7 September. Players will be more aware of the monetary amount in a gaming machine and will be better able to choose whether to play on or collect.

More national standards can be delivered. More player information initiatives are on the agenda for the ministerial council meeting in Adelaide on 20 April; also moves to further regulate and limit automatic teller

machines and EFTPOS facilities in gaming venues. Those issues must be dealt with on a national basis, particularly gaming machine redesign. Not all gaming machines are made in Victoria. The commonwealth should explore screen-based player information that provides information needed by punters. The government has called on the commonwealth to support and move on national issues. The commonwealth will have that opportunity at the ministerial council meeting in Adelaide and the government calls on it to move on these initiatives rather than just talk about them. If the commonwealth fails, the Victorian government will continue to undertake its own initiatives in areas over which it has clear jurisdiction.

Schools: portable classrooms

Mr HONEYWOOD (Warrandyte) — I refer the Minister for Education to her answer yesterday in which she justified the awarding of a contract to build 40 new portable classrooms on the basis that they were price competitive, and ask: is it a fact that the South Australian company Ausco's original tender was not competitive with the three Victorian bids and that Ausco was given special treatment to negotiate their price down?

The SPEAKER — Order! The honourable member for Mitcham!

Ms DELAHUNTY (Minister for Education) — The only thing that is going down is your chance of being leader or deputy leader.

The SPEAKER — Order! The minister should address her comments through the Chair.

Ms DELAHUNTY — The shadow minister again gets it wrong! Firstly, the company he is referring to is a company called Austco, not Ausco. You should get it right, Phil.

Honourable members interjecting.

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

Ms DELAHUNTY — Secondly, the honourable member for Warrandyte got the location wrong. The Austco company is situated in South Australia, not South Africa, as he alleged in question time yesterday.

Mr Honeywood — On a point of order, Mr Speaker, on the issue of relevance, I clearly explained to the house yesterday that it is a South African-owned company based in South Australia.

The SPEAKER — Order! There is no point of order. I will not allow the honourable member for Warrandyte to take a point of order and then offer a personal explanation.

Ms DELAHUNTY — Austco is not situated in Queensland, as the shadow minister alleged in the adjournment debate last night.

What are the facts? There are currently two programs operating for the construction of relocatables. I mentioned yesterday the $32 million for the construction of not 40 classrooms but 444 classrooms as part of the prep to grade 2 classroom initiative. The second program is worth $28 million and is to replace the old and dilapidated relocatables — 800 of them — that the government inherited among the mess that was left by the Kennett government and its education ministers.

Both of those programs went through a competitive tendering process conducted by Sinclair Knight Mertz and four companies got the nod as a result of that process. Three of the companies were Victorian companies and the fourth, which I think may be the company the shadow minister is referring to, is the South Australian company, Austco. Again the shadow minister gets it wrong on education! Three Victorian companies have won a tender. The government is sharing the small business benefits right across the state.

The SPEAKER — Order! The honourable member for Sandringham!

Ms DELAHUNTY — To remind honourable members how the government is sharing the small business benefits across the state, the Victorian companies are Bendigo Relocatables, Grove Pty Ltd of Berwick and Emrich from Broadmeadows. All four companies have been employed to deliver these new portables for this government, which wants to get on with the business of delivering the best education possible, despite the spoiling tactics of the shadow Minister for Education.

Mr Honeywood — On a point of order, Mr Speaker, on the issue of debating the topic, the question was very specific — it asked if the company — —

The SPEAKER — Order! I will not allow the honourable member for Warrandyte to repeat his question. I do not uphold the point of order.

Ms DELAHUNTY — It is important that the government commission these new portables as quickly

as possible, because it wants to deliver the best possible learning environment for our students and continue to bring down class sizes in prep to grade 2.

On the matter of class sizes, I received a card from Camberwell South Primary School saying, 'To celebrate, here is a key to the door — —

The SPEAKER — Order! I call on the minister to cease debating the question and not go down the track she was about to go down.

Housing: homeless children

Ms DUNCAN (Gisborne) — I ask the Minister for Housing to inform the house of the latest action the government has taken to address the needs of children of homeless families.

Ms PIKE (Minister for Housing) — As part of the Bracks government's commitment to do more to help homeless people, I have announced today the establishment of a program to assist children who are living in homelessness. The children of homeless families make up a very fragile and vulnerable group in our community. This program will be the first of its kind in Australia. It especially recognises the devastating impact of homelessness on children. The government recognises that homelessness has a generational impact on young people and that there is a need to do something about it.

The government knows that if it provides children with the support they need to stay at school and remain connected to their friends, sporting clubs and other community networks it can provide pathways out of the cycle of homelessness.

It is disappointing to know that families have been the fastest growing homeless group in Australia over the past 10 years. This program will provide improved responses — a service tailored to help children. The government has consulted with local community groups and service providers to work out how to best tackle problems locally. Nine new services will be established across Victoria with initial funding of $500 000 this year.

Opposition members interjecting.

Ms PIKE — The opposition interjects and raises the issue of land tax. I remind the house that the only people to have increased land tax in this state were the members of the previous Kennett government.

Mr Wilson interjected.

The SPEAKER — Order! I ask the honourable member for Bennettswood to cease interjecting in that vein. I ask the minister to cease responding to interjections and to continue with her answer.

Ms PIKE — The Bracks government has also provided $17.2 million over four years to expand services for vulnerable homeless people in this state. This represents the first real growth in funding for these services in Victoria for more than five years. Part of the expansion of services is to find creative ways to help the children of homeless families cope with the huge emotional and physical hurdles that confront them. This program takes Victoria one step further towards building a stronger community.

Berwick hospital

Dr NAPTHINE (Leader of the Opposition) — Will the Premier guarantee that his government will build a 120-bed public hospital at Kangan Drive, Berwick, without delay?

Mr BRACKS (Premier) — The question was about a public hospital — —

Ms Asher interjected.

Mr BRACKS — Wait on! This is one of the privatised programs of the previous — —

Ms Asher interjected.

Mr BRACKS — Just to make it clear, this was not a public hospital in the same sense as we have had them in the past. This was a previous privatised Kennett government proposal.

Yes, we are committed. We are building it, and we will go ahead!

Racing: industry revenue

Mr ROBINSON (Mitcham) — I refer the Treasurer to recent changes in the racing industry as a result of the abolition of the bookmakers turnover tax, the subsequent establishment of the Bookmakers Development Fund and the introduction of the decimal odds system. Will the Treasurer outline the effect of those changes on the Victorian racing industry and its revenue base?

Mr BRUMBY (Treasurer) — Last year the Bracks government abolished turnover tax on bookmakers and replaced it with a levy on bookmakers of 1 per cent of turnover. A portion of the levy goes to the Bookmakers Development Fund, which has facilitated the adoption

of what is known as the decimal odds system. Because the odds between bookies and the tote are now easier to compare, it encourages punters who traditionally bet on the tote to now consider betting with the bookies.

As the honourable member for Mitcham suggested in his question, this has been a great boost for the Victorian racing industry. Since the introduction of the measure turnover has increased by 43 per cent or $25 million. Let me illustrate for the house how the new system works. Let us say that we had a race in Victoria called the Liberal Leadership Handicap. I note that the *Herald Sun* published a form guide yesterday on this favourite race of Victorian punters — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Mitcham!

Dr Napthine — On a point of order, Mr Speaker, we would all wish the Minister for Racing a speedy recovery, because he certainly can carry it off a lot better than the Treasurer — —

The SPEAKER — Order! I ask the Leader of the Opposition to come to his point of order or I shall cease hearing him.

Dr Napthine — The point of order is about debating the question. The Treasurer is going down the track of debating the question. I ask you, Mr Speaker, to bring him to order so as not to bring question time into disrepute.

The SPEAKER — Order! I am not prepared to uphold the point of order raised by the Leader of the Opposition. The Treasurer was providing information to the house, and I will continue to hear him.

Mr BRUMBY — I was asked to explain how the new system works, and that is exactly what I am doing.

If you were to take, for example, the honourable member for Warrandyte, under the old imperial odds system the *Herald Sun* form guide has him as an 8-to-1 shot for party leader. But with the new decimalised odds system you would now say that he is paying $9 — not bad for someone who was almost gelded by his leader last week.

Honourable members interjecting.

The SPEAKER — Order! I indicated earlier that I was prepared to continue to hear the Treasurer so long as he continued to provide information. I am now of the opinion that he must not use his answer to reflect upon honourable members.

Mr Ashley — On a point of order, Mr Speaker, in the circumstances could you order a doping test on the minister?

Mr Haermeyer interjected.

The SPEAKER — Order! The Minister for Police and Emergency Services!

Mr Ashley — Mr Speaker, could you in the circumstances order a doping test on the minister?

Honourable members interjecting.

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

Mr BRUMBY — I am certainly not reflecting on honourable members. In fact, the honourable members to whom I am referring are at pretty short odds, which is very complimentary to them.

Take the honourable member for Malvern, for example. He was — —

Dr Napthine — On a point of order, Mr Speaker, you have already warned the Treasurer not to go down this track, to use a pun, and that he should not — —

Honourable members interjecting.

The SPEAKER — Order! The honourable member for Sunshine!

Dr Napthine — I would ask you to set him on the straight course and ask him to answer the question appropriately rather than in this ridiculous way.

Honourable members interjecting.

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

I have already indicated my expectation of the Treasurer in answering this question.

Mr BRUMBY — Let me put this a little more hypothetically for the house. Let us imagine that there was a member of Parliament who was quoted in the *Herald Sun* form guide at odds of 3 to 1 in the Liberal leadership stakes. Under the new decimal system that person would be paying $4 for the win — —

Dr Napthine — On a point of order, Mr Speaker, unfortunately the Treasurer seems to be continuing to defy your ruling.

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order. The question asked by the honourable member for Mitcham was about the racing industry and the changes to the revenue base. The Treasurer attempted to provide an example to the house, and there have been numerous interjections and points of order since then, making it difficult for the Chair to follow the continuity of the Treasurer's answer. I ask the house to cooperate so that the Chair and all honourable members are able to hear the point the Treasurer is trying to make.

Mr McArthur — On a point of order, Mr Speaker, I draw your attention to the advice which is provided to honourable members in relation to asking questions, particularly to page 123 of *Rulings from the Chair — 1920–2000* and paragraph (c) which states:

> questions should not seek opinion, particularly a legal opinion, ask whether press statements are correct, seek a solution to a hypothetical proposition …

I also ask you to look at the guidelines in relation to answers. While questions are not allowed to seek responses to a hypothetical proposition, neither are answers allowed to cover hypothetical situations. I suggest that you should rule the Treasurer totally out of order if he attempts to go down this path any further.

Mr Robinson — On the point of order, Honourable Speaker, the honourable member for Monbulk has suggested guidelines relating to the asking of questions. For the benefit of the house I indicate that the question I asked was whether the Treasurer could outline the effect. I was not seeking opinions.

Mr Smith interjected.

Honourable members interjecting.

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

I will not permit the honourable member for Mitcham, as I do not permit all other honourable members, to repeat the question. I am prepared to rule on the point of order raised by the honourable member for Monbulk. It is correct that questions cannot be of a hypothetical nature. However, I am of the opinion that the question asked by the honourable member was not of a hypothetical nature but related to changed circumstances in the racing industry and their effect on the state's revenue base.

In regard to the second component of the point of order raised by the honourable member for Monbulk, on hypothetical answers, the minister is obliged to provide information as part of his answer.

Mr BRUMBY — I will try to put this another way to explain the system to the house. Let us say there was a horse called Super Swimmer. This horse showed great early promise, but fell at the first hurdle, at odds of 3 to 1 or, alternatively, $4 under the new system. You could say of this particular horse, Super Swimmer, that it is a case of a strong pedigree over poor form.

Mr Mulder — On a point of order, Mr Speaker, if the minister is going down this path, is he prepared to give the odds on a beaten Brumby in a field of thoroughbreds?

Dr Dean interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the honourable member for Berwick to vacate the chamber for half an hour.

Honourable member for Berwick withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Racing: industry revenue

Questions resumed.

The SPEAKER — Order! Before calling the honourable member for Bentleigh I will rule on the point of order raised by the honourable member for Polwarth. There is no point of order, and I will not allow the honourable member to make points in debate as he did, just as I will not allow any other member to do so.

Mrs Peulich — On a point of order, Mr Speaker, it is my understanding that since the introduction of the new sessional orders the new sin-bin provision is intended to be implemented after a warning has been issued to the member. I do not believe that was given.

Ms Gillett interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the honourable member for Werribee to vacate the chamber for 30 minutes.

Honourable member for Werribee withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Racing: industry revenue

Questions resumed.

The SPEAKER — Order! On the point of order raised by the honourable member for Bentleigh, I do not uphold the point of order.

Ms Asher interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under sessional order 10 I ask the Deputy Leader of the Opposition to vacate the chamber for 30 minutes.

Honourable member for Brighton withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Racing: industry revenue

Questions resumed.

The SPEAKER — Order! I do not uphold the point of order raised by the honourable member for Bentleigh, because on a number of occasions the Chair has warned all honourable members about showing respect to the Chair while on his or her feet in determining points of order. During the course of this week that has been done on at least half a dozen occasions. All honourable members have had the normal warning about their behaviour in this chamber.

Mr Phillips — I raise a point of order with regard to the workings of the house with reference to question time and the debating of questions by ministers. I raise a point with you, Mr Speaker, that has been raised before; it was raised by the Labor Party when in opposition. The matter relates to the protection of opposition parties in the minority. I hope the majority of members sitting in the house are as ashamed as I am of what has taken place today. The expulsion of three members is an indication that the Parliament has got to the point of being unworkable or unprofessional.

The SPEAKER — Order! Will the honourable member come to his point of order!

Mr Phillips — With regard to your rulings in reference to standing orders on ministers debating answers to questions asked by minor parties, Mr Speaker, there have been many rulings stating that for the good workings of this chamber the Speaker in his determination of the standing orders and/or sessional orders must also take the minor parties into account. The standing orders clearly state that in answering questions ministers are not to enter into debate. There have been many occasions when clearly ministers have been debating questions, and the rulings by you, Mr Speaker, have been very favourable on the side of the government.

The SPEAKER — Order! I suggest that the honourable member does not proceed down the track of reflecting on the Chair. If the honourable member wishes to go down that track he must do so by way of substantive motion. I am not prepared to uphold the point of order raised by the honourable member for Eltham. In raising his point of order the honourable member indicated the requirement on the Chair to determine questions of whether ministers are debating answers. I am of the opinion that that has been done on a number of occasions today. I ask the Treasurer to conclude his answer.

Mr BRUMBY (Treasurer) — Given that we have lost a few starters this afternoon, I will take heed of the advice of the Chair. For the benefit of the house I will table the answer — —

The SPEAKER — Order! The Treasurer cannot table documents; he can make them available to the house.

Mr BRUMBY — I am happy to make the documents available to the house today. There is a high degree of sensitivity on the opposition side and I am happy to make the answers available to the house.

An honourable member interjected.

Mr BRUMBY — You are a bit sensitive!

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

Mr BRUMBY — I make these documents available to the house so that members opposite who are

interested in understanding how the new decimal odds system works will be able to read the latest form guide and place their bets.

The SPEAKER — Order! the time set down for questions without notice has expired, and a minimum number of questions has been asked and answered.

Mr McArthur — On a point of order, Mr Speaker, I wish to make a couple of brief introductory comments about proceedings during the three question times this week. Question time is scheduled to take 30 minutes or the time required for 10 questions — and when it was elected in September 1999 the government trumpeted it would take 30 minutes — yet this week each question time has taken more than an hour, because ministers in the main have deliberately sought to debate questions, to avoid answering questions and to try to play the very worst of partisan politics in the chamber.

I refer you, Sir, to the sessional orders that were adopted by this place on the second day of the session, and in particular to sessional orders 3(4) and 3(5) relating to the asking and answering of questions. In both cases the instructions are clear. Questions should be direct, succinct and seek factual information; answers to questions should be direct, factual and succinct.

Although the opposition has sought to keep questions relatively brief, the same cannot be said of answers. There are two problems. The debating techniques employed by ministers have caused a number of points of order to be raised by members on this side of the house. In arguing that ministers have been debating — reasonably, I believe — members have attempted to demonstrate that to the Chair by first of all referring to the question asked and then intending to move on to the response. The Chair has been very firm in ruling on those points of order that no member in raising a point of order can restate a question, even to the extent of ruling out or warning against members alluding to questions. I am not disputing the ruling of the Chair but it is a very firm interpretation of the rules.

By contrast, Sir, I ask you to consider the amount of time ministers have been able to debate before being finally pulled up on this matter. I put it to you, Sir, that the disparity is causing an enormous amount of tension and is aggravating the behaviour in the house. That is leaving the Chair in an unenviable position and forcing the situation we have seen today where you have had to use sessional order 10 three times.

I put it you, Sir, that if we want to have a decent question time in this place, if we want questions asked and information given, there is a duty on both sides, not just one side, to comply with the sessional orders.

Mr Batchelor — On the point of order raised by the honourable member for Monbulk, firstly, question time is not limited to 30 minutes but to 10 questions. That reform was made by the incoming government to allow more questions to be asked. The government did away with the abuse of question time under the previous government where in responding ministers would deliberately use up the available time allotted for the asking of questions. The government introduced that important reform to allow a minimum number of questions to be asked, notwithstanding attempts by the opposition to take numerous points of order. The additional time provides the opposition with the opportunity to abuse question time by raising excessive points of order that bear no relevance to the sessional orders or standing orders.

It is interesting to observe that a total of 23 points of order were taken during question time on Tuesday and Wednesday of this week. In fact, there were more points of order than questions! The largest number of those points of order were in direct contravention of the sessional orders in that they were used as a debating device to repeat the question. In fact, about 30 per cent of points of order taken during question time on Tuesday and Wednesday of this week were procedural debating tricks to restate the question, in contravention of the sessional orders.

The greatest offenders were the leaders of the parties opposite. On Tuesday and Wednesday the Leader of the Opposition and the Leader of the National Party were abusing question time and the sessional orders by using points of order to repeat the questions. In the early part of this week, as happened in the earlier weeks of this sessional period, the tactics of the opposition have represented nothing but an abuse of the sessional orders.

The real issue at point today is that both sides of the house need to take the advice often given to members in this chamber by former Deputy Speaker McGrath. He would ask people to take a deep breath and apply a bit of commonsense.

In a parliamentary week where the opposition has forced this house to sit into wee small hours of the morning — until after 2 o'clock last night — just by wasting time during the normal course of the parliamentary day on procedural debates that were of no consequence or import, it is likely that nerves will get a little frayed and that people will get a little bit tired. Unfortunately it also places a great strain on you,

Mr Speaker, in trying to bring some sort of decorum to proceedings to ensure that respect is shown to you and to the institution. I have great sympathy for the difficulty in which you have been placed.

The next time the opposition wants to deliberately filibuster and delay proceedings in an attempt to thwart the government's legislative program, opposition members should reflect on today's outcomes — the fact that three members of this chamber were thrown out for unruly behaviour. Opposition members need to reflect on that before they next seek to disrupt the proceedings of the house.

Mr Ryan — Further on the point of order, I do not intend going through point by point the patronising drivel the house has just heard from the Leader of the House. Suffice to say I support the point of order of the honourable member for Monbulk. At the end of the day, while it is important that there be robust debate it is equally important to have the appropriate respect demonstrated across the chamber to all honourable members of whatever political persuasion.

Today's question time disintegrated into what it did because the Treasurer chose to deal with the answer in the way that he did in a manner that demeaned opposition members and inevitably invited the response he got.

I invite you to take the view that the real commentary on today's events was not so much that you, Mr Speaker, were required to use standing order 10 against the Deputy Leader of the Opposition and the shadow Attorney-General, both of whom have served the house faithfully and well, but the fact that the honourable member for Werribee, with whom I have served on the Scrutiny of Acts and Regulations Committee for years and who in her capacity as a Labor Party member representing Werribee has given outstanding service to this place, has been excluded from the service of the house as a direct result of the way in which the Treasurer employed intemperate mechanisms to make the point he was trying to make.

The real point is that if all members treat each other with respect, which I believe this place requires and which members participating in debates and people viewing those debates believe to be appropriate, we will not have the sorts of problems that we have seen today and we will not have to put up with the rubbish we have just heard from the Leader of the House.

The SPEAKER — Order! On the point of order raised by the honourable member for Monbulk, I uphold that part of the point of order that referred to the sessional orders and the requirements about the way question time should be conducted both in the asking and the answering of questions. The Chair was tolerant in permitting the honourable member for Monbulk, the Leader of the House and the Leader of the National Party to express their opinions in speaking to the point of order about the conduct of question time. The Chair will take those comments on board.

CITY OF MELBOURNE BILL

Second reading

Debate resumed.

Mr LUPTON (Knox) — I join the debate on the City of Melbourne Bill, which is an attempt to implement representational reform of the council of the City of Melbourne to give the city a fresh start.

The bill attempts to solve the problems of the City of Melbourne and, although I can speak only about what I have heard in the media, it is apparent that the majority of people in Melbourne want to see the council disbanded. The government has gone about this task in a funny way. A previous Labor administration refused to extend the term of appointment of a Governor of Victoria; it chose to disregard the democratic wishes of the people of Melton, and this Labor administration, although it has said it will not sack the council, has indicated that it will dismiss the council or get rid of the councillors.

Section 219(1) of the Local Government Act 1989 states:

> The Minister may recommend to the Governor in Council that all of the Councillors of a Council be suspended, if the minister is satisfied on reasonable grounds that the Council has failed in a serious or ongoing respect.

It then details several of the issues that may give the minister grounds to suspend councillors. Section 219(2) states:

> The Governor in Council may by Order in Council do any or all of the following:
>
> (a) suspend all of the councillors of the Council;
>
> (b) appoint an administrator for the Council;

It then has several further points.

Clause 13(1) of the City of Melbourne Bill states:

> Despite anything to the contrary in the Local Government Act 1989, the Governor in Council may, by Order in Council, fix

> a day that is before 16 March 2002 for the holding of a general election for the City Of Melbourne.

By stealth the minister is removing the council of the City of Melbourne. Although the minister has said that he will dismiss, sack or dispense with the services of the council, he has not adopted the rules and requirements required to be adopted by the Local Government Act.

The minister is ignoring this procedure and has decided to sack the council, but he has not sacked it immediately. Last December he said that the council would finish up, so the city has had a lame duck council for several months, which will be almost six months by the time this bill is enacted. I am concerned about the irresponsible action of the minister because he is not attempting to get rid of the council when everyone believes it is not doing a good job.

The Local Government Act requires an inquiry to be held to examine the operation of the council. No inquiry has been held by the minister. The City of Melbourne established a committee of inquiry to mediate the problems. While that committee made recommendations in its report, as soon as the report was tabled with the minister, he threw it out the door and said he would sack the council.

The *Australian* of 20 December contained an article about the council of the City of Melbourne entitled 'Kirner in cold rage on hotline'. It is alleged in the article that the Honourable Joan Kirner, a former Premier of the state and chairperson of the review committee, was having a discussion with ministerial advisers.

According to the newspaper article, Joan Kirner took another call while speaking on her mobile phone to the reporter from the *Australian*. The article in the *Australian* reports her phone conversation as follows:

> 'All you had to do was consider the report — as I thought you were going to do — and consult properly as Labor governments are supposed to', said the former Labor Premier and chief mediator of the council's infighting. 'Now you've gone and left Malouf in charge and you'll have a feral council for the next six months'.

It is apparent that the minister had made up his mind to dismiss the council no matter what the Kirner panel brought down.

An article in the *Australian* of 19 December 2000 states:

> The Bracks government will force the Melbourne City Council to fresh elections by mid-2000 — effectively sacking the incumbent council nine months before its term expires.
>
> The move, announced yesterday by local government minister Bob Cameron, shocked councillors who 2 hours earlier had accepted a series of protocols designed to end their persistent infighting of the past two years.
>
> Lord Mayor Peter Costigan described the action as 'appalling' and said the government's motive in proposing concurrent changes to the city's electoral system was to 'establish … a Labor-dominated council'.

The minister has thrown the legislation out the door and has paid it no attention at all.

I have just been told that a time limit has been placed on contributions to the debate. It would have been lovely if somebody had told me.

I refer to some important aspects of the bill. The elections of the Lord Mayor and Deputy Lord Mayor are to occur at the same time as a general election of the remainder of the council, but they have to basically put up a ticket — for example, the honourable member for Glen Waverley and I could be on the one ticket, heaven forbid! The honourable member for Glen Waverley could be appointed Lord Mayor, and if he leaves or is sacked, it would then become the option or the right of the council to appoint one of the existing councillors to the position of Deputy Lord Mayor. That councillor has been elected under a different set of voting rules to the holder of the position of Deputy Lord Mayor.

Somebody may have received only 12 per cent of the original primary vote, but under the preferential system he or she can become a councillor, whereas the person who stood for the position of Lord Mayor or Deputy Lord Mayor and may have missed out by only a few per cent does not get a guernsey because he or she is not eligible to stand as a councillor. I have grave concerns about that. It is an important aspect of the bill and I cannot understand why it was ever introduced. The Lord Mayor and the Deputy Lord Mayor are elected by a first-past-the-post or preferential system. The balance of the council is elected under the proportional representation system, and eventually some of those people so elected could become Deputy Lord Mayor. I consider that is unfair.

I am not happy with the bill, but as there is a time restraint on the debate I will sit down.

Mr MAUGHAN (Rodney) — I wish to make a few brief comments on this important legislation. Perhaps honourable members might wonder why someone who lives 200-plus kilometres from the City of Melbourne is interested in the legislation. I am interested in it because I am proud of the state of Victoria and the City of Melbourne. Therefore, I am interested in the governance of the City of Melbourne because

Melbourne is promoted to the rest of the world. Tourism regards Melbourne as the capital of Victoria and it is a well-known icon around the world. I am extremely interested in the legislation.

I am concerned about the amendments that are being brought in by the government at the last moment — at midnight last night. The government has had nine months to get the amendments to opposition members. It has argued that it talked about them in general terms, and that is probably true. However, as the honourable member for Kew said this morning, that means absolutely nothing until you see them in the proper drafted legislative form. That piece of paper came into the house at midnight last night. So much for the honesty, accountability, and transparency that this government supposedly prides itself on. If it wants the cooperation of the opposition and the trust of Victorians, that is hardly the way to go about it.

The legislation goes against the commitment that the Bracks Labor government gave to the Independents in the well-publicised charter of what it would or would not do in terms of open and accountable government. Labor's commitment to the Independents was certainly well publicised. The Premier said:

> I commit a Bracks Labor government to the following …

He then referred to limiting the suspension and dismissal of councils and councillors in two cases — corruption and other serious failure. We can talk about the semantics, but the reality is that Melbourne city councillors have been effectively dismissed not because of corruption or of serious failure, but because the government of the day wants to get rid of them. I agree that there is infighting within the Melbourne City Council and it does need to be changed. However, I do not believe it is up to the state government to sack the council simply because it is not getting on with the council.

The minister said it all in his second-reading speech, which states:

> The way that Victoria is projected nationally and internationally relies in part on the level of cooperation and shared strategic vision between the state's capital city council and the state government.

I support that notion. It is important that the Melbourne City Council and the government work together to promote Melbourne and Victoria. I support that close working relationship, but the bill is not the way to go about it, nor was establishing a committee comprising the Honourable Joan Kirner, the Honourable Alan Hunt and the Reverend Tim Costello which inquired into the problems at the council and came up with a well-reasoned report.

But the report had hardly been presented when the Minister for Local Government rejected it out of hand and decided to sack the council. That is hardly honest, accountable, open and transparent. The government hardly took note of the consultation process that had taken place in the community, and it certainly took no notice of the recommendations made by the committee.

I am concerned about the effect of the flow-on of the sacking of the Melbourne City Council. Under the bill consultation is a one-way business: the Premier can choose to consult with the Melbourne City Council any time he wishes but the same does not apply in reverse. The Lord Mayor of the Melbourne City Council is unable to have the same formal access to the Premier that the Premier has to the council.

The National Party does not support the bill and will oppose it. It flies in the face of Labor's public commitment to local government prior to the last election. There has been no trigger point for dismissing the council. There has been no corruption, there have been no serious failures and the Melbourne City Council is in a good financial position. The bill sets a dangerous precedent for other councils in Victoria.

In conclusion, I do not support the bill because I do not support the sacking of the council. I do not support the concept of a popularly elected Lord Mayor — that creates all sorts of problems. I do not support the bill's encouragement of party politics in local government. The National Party will vote against the bill.

Mr WYNNE (Richmond) — I shall make a brief contribution on the City of Melbourne Bill as the honourable member for Richmond representing the good citizens of the City of Yarra, which is a municipality bordering the City of Melbourne. I say with some modesty that I enter the debate with good thoughts about the City Melbourne. I had the honour of serving the city for six years, between 1985 and 1991, both as a councillor and in my final year as Lord Mayor of the City of Melbourne.

The city of Melbourne is important to the economic health of the state. It is the capital city, it is a major employer and it plays an important role as a host city. In that respect a mature relationship between the Melbourne City Council and the state government is fundamental to the long-term economic health of the state. The government did not arrive lightly at the decision to change the electoral cycle for the City of Melbourne.

I compare the position of the Bracks government with that of previous governments. The Kennett government used local government as a plaything. It considered that local government was to be stood over, and a real culture of fear was ingrained in local councils about their long-term survival. The way the previous government undertook council amalgamations was fundamentally undemocratic, and the Bracks government is aware of some of the outcomes. A reason for the Labor Party being in government today is the fundamental rejection by the electorate of the forced amalgamations in local government and the terrible compulsory competitive tendering, particularly in regional areas, which saw the stripping away of local jobs. It was a fundamental reason for the electorate turning against the former Kennett government.

The Melbourne City Council has had some difficult periods. I recognise the point made by the shadow local government minister. She said the opposition's preferred position would be to have a central city council or a golden mile council. That reverts to the situation in the 1940s and 1950s when big business ran the Melbourne City Council as a bit of a men's club. Members sat in leather chairs, smoking their cigars and drinking scotch. That was pretty much the way business was then done in the City of Melbourne.

It was refreshing to have a council, and this applies particularly to the one I served on, with a balance between the business interests and community representatives. I represented the community and was fortunate to be able to work with a good mix of business and community leaders. The council worked superbly from 1985 to 1991 in close consultation with the Cain and Kirner governments. It was a good model in the way it showed leadership and worked cooperatively with the government of the day.

The legislation is important because it offers stability and diversity in the electoral cycle that will be established by it. The mayor and deputy mayor will be elected under an exhaustive preferential system. The rest of the ticket below the line, the seven other candidates, will be elected by proportional representation, which as we all know is the fairest system of election available.

The City of Melbourne is important. The leadership role of the Lord Mayor of Melbourne is fundamental to the economic welfare of the capital city, and does have an impact on the rest of Victoria. A properly elected Lord Mayor and Deputy Lord Mayor will clearly have a mandate to work with the state government — and the state government is keen to work with the Melbourne City Council and has shown its bona fides in that respect.

I commend the minister for introducing the bill, which is supported by the opposition parties. The Liberal Party will not oppose it. The government looks forward to a good slate of candidates putting themselves forward for what will be an interesting election later this year. That must surely be to the benefit of the City of Melbourne and local government generally. I wish the bill a speedy passage.

Mr INGRAM (Gippsland East) — While recognising that the City of Melbourne is a long way from Gippsland East, I am speaking on the bill both because of the precedent it sets in interfering with local government and because of the importance of local government as the closest level of government to the community. It is therefore important to protect that position.

We will be opposing the bill. We are particularly disappointed that because of the structure of the sessional orders the amendments I have proposed and those proposed by the honourable member for Gippsland West will not be debated in committee because another bill is to be dealt with before the 4.00 p.m. guillotine.

The amendments I propose are an attempt not to completely remove party politics from local government but to make it easier for unaligned candidates, Independents or unaligned groupings of candidates to be elected into local government. It is essential to take the party politics out of local government; and it is a good thing this bill does not extend to country areas because people there are completely opposed to party politics being involved in local government. The use of the exhaustive preferential voting system in country areas is an absolute disgrace.

I also point out that the sacking of councils, which was basically done to bring this provision forward, is totally against my view of the charter and the agreement we have with the government. We have put this case strongly both to the minister and the Premier, and stated strongly that we believe the bill does not support fundamental democracy in local government.

I am also disappointed with the Liberal Party, because its decision to vote in favour of the bill when a division is called will allow it to proceed. If it had indicated it would not support the bill amendments could have been proposed to produce a more democratic position. The government of the day should not think it can dismiss a council just because that council disagrees with it. That is not a good precedent to set.

Local government should not be about party hacks and representatives of well-funded groups with vested interests. Representatives of those groups should not have more chance of being elected to councils than community-minded people with a strong passion for furthering their areas, yet the above-the-line voting system in this bill will allow that to happen.

The honourable member for Wimmera quoted at length the Independents charter, and I thank him for drawing that worthwhile document to the attention of the house. I also point to the Labor Party's response to the charter, which recognised that the Bracks Labor government would lead a government that:

> … recognises that local government is a separate, democratically elected entity which is responsible primarily to the community it services.

I do not believe the bill achieves that. The Labor government also committed to:

> Limit the suspension and dismissal of councils and councillors to cases of corruption or other serious failure;

We still have to see whether that has been enacted. The response further states:

> Ensure that the chief executive officer of councils is solely answerable for their performance to the elected council and not the Minister for Local Government;

The government has done that:

> Legislate to abolish compulsory competitive tendering.

The government has done that. Compulsory competitive tendering was a blight on many country councils. It continues:

> Give local councils greater powers in relation to proposals to establish new gaming venues or brothels in their municipalities.

That has been undertaken:

> Give local government the authority and independence to manage their own finance and affairs …

That in direct opposition to what this bill proposes to do. The response continues:

> An amendment to the Victorian Constitution to properly recognise local government to safeguard its democratic processes.

We are strongly keen to get the Minister for Local Government to commit to that amendment because it is essential that that occur. The government promised to enshrine in the constitution the democratic right of local government to operate as the closest level of government to the community.

The Victorian Local Governance Association has sent out to most members of Parliament some concerns it has with this bill. I agree with those concerns. The amendments I proposed and those proposed by the honourable member for Gippsland West would have gone a long way to making this bill better. I am disappointed that we will not be able to go into committee to fully discuss that and get a better outcome for the bill. I oppose the bill.

Debate adjourned on motion of Ms PIKE (Minister for Housing).

Debate adjourned until later this day.

WHISTLEBLOWERS PROTECTION BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr CAMERON (Minister for Local Government) — The Whistleblowers Protection Bill is good legislation. It provides a mechanism to ensure that people involved in the public sector are able to be scrutinised appropriately. I urge honourable members to support the bill.

The ACTING SPEAKER (Mr Richardson) — Order! I am of the opinion that the second reading requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

Mr CAMERON (Minister for Local Government) — I move:

1. Clause 2, line 13, omit "1 July 2001" and insert "1 January 2002".

Amendment agreed to; amended clause agreed to.

Clause 3

Mr CAMERON (Minister for Local Government) — I move:

2. Clause 3, page 3, line 26, omit "public interest disclosure" and insert "disclosure determined by the Ombudsman under Part 4 or Part 8 to be a public interest disclosure".

3. Clause 3, page 6, lines 9 to 12, omit all words and expressions on these lines.

Dr DEAN (Berwick) — This clause determines the fate of the government's decision to amend the bill so that although complaints will still go to the Speaker and the President they will simply be conduits to passing them on to the Privileges Committee for a decision on whether they should be examined by the Ombudsman.

There has been wide debate on this. As yet, apart from discussions about who knew what when, there has been absolutely no explanation of the merit of the clause and why the Speaker or the President are less neutral than the Privileges Committee. The proposition put by the opposition that the reason for the amendment — there is no other explanation but this — is that the Privileges Committee in the lower house is controlled by the government, so it will be able to ensure that complaints that go to the Privileges Committee can be stopped by the committee if they affect ministers of the Crown or members of the Labor Party but will be diverted as quick as light if the complaints are made about opposition members.

It is unfair, unnecessary and unexplained. The Liberal Party fully supports the bill in its original form. If the government at this late stage does not go ahead with this unnecessary and unfair amendment the opposition would be pleased to support the bill.

Mr RYAN (Leader of the National Party) — The National Party also opposes the amendment. To this point the rationale behind the amendment is unexplained, and we are opposed to it.

Committee divided on amendments:

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
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 (*Teller*)
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
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
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

Amendments agreed to; amended clause agreed to; clauses 4 and 5 agreed to.

Clause 6

Mr CAMERON (Minister for Local Government) — I move:

4. Clause 6, page 10, after line 12 insert —

"( ) A disclosure made in relation to a member of Parliament is not to be taken to be a contempt of Parliament.".

Amendment agreed to; amended clause agreed to; clauses 7 to 9 agreed to.

Clause 10

Dr DEAN (Berwick) — I move:

1. Clause 10, lines 25 and 26, omit all words and expressions on these lines and insert —

"**10. Privileges of Parliament and legal professional privilege not affected**".

2. Clause 10, after line 26 insert —

"( ) Nothing in this Act derogates from the privileges, immunities and powers held, possessed or enjoyed by custom, statute or other law or otherwise of —

(a) the Parliament; and

(b) each House of Parliament; and

(c) the President of the Legislative Council; and

(d) the Speaker of the Legislative Assembly; and

(e) the members and Committees of each House of Parliament; and

(f) the joint Committees of the Parliament.".

3. Clause 10, line 27, before "Nothing" insert "(2)".

These amendments are what you would call benign amendments — that is, they simply say that if you give the Ombudsman the powers that will be given to him under the bill, it is important that the privileges of the house are not in any way depreciated as a consequence of the giving of those powers. It has already been determined in the royal commission that where you have the capacity to ask questions of members of Parliament, unless the privileges of those members are protected, questions can be asked and answers forced in a way that imposes upon a member's right to discuss matters freely in the house.

This matter has already been argued before the royal commission. It is clear that the same danger is present in this bill, given that the same sorts of rights are being given to the Ombudsman. It is therefore necessary to put a provision in the bill saying that despite all the provisions in the bill the privileges of this house must not be lessened. There is no reason members of Parliament would not vote for that, and there is certainly every reason that they should. Should they not do so, their privileges may well be curtailed.

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
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 (*Teller*)
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
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
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

Amendment 1 negatived.

Amendments 2 and 3 negatived.

The CHAIRMAN — Order! The time appointed under sessional orders for me to interrupt business has arrived. I am required by sessional orders to put the necessary questions.

Clauses 10 to 119 agreed to.

Circulated amendments

Circulated government amendments 5 to 29 as follows agreed to:

5. Clause 13, after line 17 insert —

"( ) the Privileges Committee of the Legislative Council or the Legislative Assembly; or".

6. Clause 22, line 29, after "Assembly," insert "the Privileges Committee of the Legislative Council or the Legislative Assembly,".

7. Clause 23, line 29, omit "or Part 8".

8. Clause 23, page 16, after line 25 insert —

"( ) If the Ombudsman makes a determination under Part 8 that a disclosure is not a public interest disclosure, this Part does not apply to —

(a) any further disclosure to the Ombudsman, the President of the Legislative Council, the Speaker of the Legislative Assembly, the Privileges Committee of the Legislative Council or the Legislative Assembly of the subject-matter of that disclosure; or

(b) the provision to the Ombudsman, the President of the Legislative Council, the Speaker of the Legislative Assembly, the Privileges Committee of the Legislative Council or the Legislative Assembly of any further information in relation to the subject-matter of the disclosure.".

9. Clause 28, after line 21 insert —

"( ) In reaching a conclusion under sub-section (1), the public body must consider whether the disclosure shows or tends to show that the public officer to whom the disclosure relates —

(a) has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a public officer; or

(b) has taken, is taking or proposes to take detrimental action in contravention of section 18.".

10. Clause 33, after line 22 insert —

"( ) In reaching a conclusion under this section, the Deputy Ombudsman or the Chief Commissioner of Police (as the case requires) must consider whether the disclosure shows or tends to show that the member of the police force to whom the disclosure relates —

(a) has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a member of the police force; or

(b) has taken, is taking or proposes to take detrimental action in contravention of section 18.".

11. Clause 39, line 4, after "every" insert "disclosure the Ombudsman has determined is a".

12. Clause 61, line 28, after "Part" insert "or Part 8".

13. Clause 67, line 21, omit "a public interest disclosure" and insert "a disclosed matter".

14. Clause 68, lines 8 and 9, omit "matters disclosed in public interest disclosures" and insert "disclosed matters".

15. Clause 69, page 40, lines 1 and 2, omit "matters disclosed in public interest disclosures" and insert "disclosed matters".

16. Clause 96, line 8, omit "Ombudsman for investigation" and insert "the Privileges Committee of the Legislative Council or the Legislative Assembly, as the case requires".

17. Clause 96, after line 8 insert —

"( ) The Privileges Committee must consider any disclosure referred to it under sub-section (1).

( ) The Privileges Committee must ensure that any deliberations of the Committee to consider a disclosure referred to it under sub-section (1) are conducted in private.

( ) If the Privileges Committee concludes that the disclosure shows or tends to show that the member of Parliament to whom the disclosure relates —

(a) has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a member of Parliament; or

(b) has taken, is taking or proposes to take detrimental action in contravention of section 18 —

the Committee may refer the disclosure to the Ombudsman.

18. Clause 97, lines 11 and 12, omit "the President of the Legislative Council or the Speaker of the Legislative Assembly" and insert "the Privileges Committee of the Legislative Council or the Legislative Assembly".

19. Clause 97, after line 16 insert —

"( ) In making a determination under sub-section (1), the Ombudsman must be satisfied that the disclosure shows or tends to show that the member of Parliament to whom the disclosure relates —

(a) has engaged, is engaging or proposes to engage in improper conduct in his or her capacity as a member of Parliament; or

(b) has taken, is taking or proposes to take detrimental action in contravention of section 18.".

20. Clause 98, lines 19 and 20, omit "the President of the Legislative Council or the Speaker of the Legislative Assembly" and insert "the Privileges Committee of the Legislative Council or the Legislative Assembly, as the case requires,".

21. Clause 99, lines 25 to 27, omit "the President of the Legislative Council or the Speaker of the Legislative Assembly" and insert "the Privileges Committee of the Legislative Council or the Legislative Assembly".

22. Clause 101, lines 2 and 3, omit "public interest disclosure" and insert "disclosed matter".

23. Clause 101, lines 5 and 6, omit "the President of the Legislative Council or the Speaker of" and insert "the Privileges Committee of the Legislative Council or".

24. Clause 101, after line 6 insert —

"( ) The Privileges Committee must consider the report and determine the action to be taken.

( ) Any deliberations under sub-section (2) must be conducted in private.".

25. Clause 102, page 54, lines 9 and 10, omit "President of the Legislative Council or the Speaker of the Legislative Assembly" and insert "Privileges Committee of the Legislative Council or the Legislative Assembly".

26. Clause 102, page 54, lines 15 to 18, omit "during the year to the Ombudsman to investigate matters disclosed to public bodies in public interest disclosures" and insert "under section 74 or 85 during the year to the Ombudsman to investigate disclosed matters".

27. Clause 103, lines 3 and 4, omit "public interest disclosure" and insert "disclosed matter".

28. Clause 104, lines 28 to 31, omit "during the year to the Ombudsman to investigate matters disclosed to the public body in public interest disclosures" and insert "under section 74 during the year to the Ombudsman to investigate disclosed matters".

29. Clause 106, line 5, omit "public interest disclosure" and insert "disclosed matter".

Reported to house with amendments.

Report adopted.

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

CITY OF MELBOURNE BILL

Second reading

Debate resumed from earlier this day; motion of Mr CAMERON (Minister for Local Government).

House divided on motion:

Ayes, 76

Allan, Ms
Allen, Ms
Asher, Ms
Ashley, Mr
Baillieu, Mr
Barker, Ms
Batchelor, Mr
Beattie, Ms
Bracks, Mr
Brumby, Mr
Burke, Ms
Cameron, Mr
Campbell, Ms
Carli, Mr
Clark, Mr
Dean, Dr
Delahunty, Ms
Dixon, Mr
Doyle, Mr
Duncan, Ms
Elliott, Mrs
Fyffe, Mrs
Garbutt, Ms
Gillett, Ms
Haermeyer, Mr
Hamilton, Mr
Hardman, Mr
Helper, Mr
Holding, Mr
Honeywood, Mr
Howard, Mr
Kosky, Ms
Kotsiras, Mr
Langdon, Mr (*Teller*)
Languiller, Mr
Leigh, Mr
Leighton, Mr
Lenders, Mr
Lim, Mr
Lindell, Ms
Loney, Mr
Lupton, Mr
Maclellan, Mr
Maddigan, Mrs
Maxfield, Mr
McArthur, Mr
McCall, Ms
McIntosh, Mr
Mildenhall, Mr
Mulder, Mr
Napthine, Dr
Nardella, Mr
Overington, Ms
Pandazopoulos, Mr
Paterson, Mr
Perton, Mr
Peulich, Mrs
Phillips, Mr
Pike, Ms
Plowman, Mr
Richardson, Mr
Robinson, Mr
Rowe, Mr
Seitz, Mr
Shardey, Mrs
Smith, Mr (*Teller*)
Spry, Mr
Stensholt, Mr
Thompson, Mr
Thwaites, Mr
Trezise, Mr
Viney, Mr
Vogels, Mr
Wells, Mr
Wilson, Mr
Wynne, Mr

Noes, 9

Davies, Ms
Delahunty, Mr
Ingram, Mr (*Teller*)
Jasper, Mr
Kilgour, Mr
Maughan, Mr (*Teller*)
Ryan, Mr
Savage, Mr
Steggall, Mr

Motion agreed to by absolute majority.

Read second time.

Circulated amendments

Circulated government amendments 1 to 6 as follows agreed to:

1. Clause 15, line 23, after "only nominate" insert "once".

2. Clause 15, lines 28 — 30, omit all words and expressions on these lines and insert —

   "(5) If a person nominates for election —

   (a) to both the office of Lord Mayor and the office of Deputy Lord Mayor; or

   (b) to the office of Lord Mayor more than once;

   (c) to the office of Deputy Lord Mayor more than once —

   the returning officer must reject any".

3. Clause 32, omit this clause.

4. Schedule 1, clause 2, lines 23 — 25, omit all words and expressions on these lines and insert —

   '**"registered officer"**, in relation to a registered political party, means the registered officer of a registered political party within the meaning of **The Constitution Act Amendment Act 1958**;'.

5. Schedule 1, clause 4, line 13, after "**Group name**" insert "**and order of candidates on ballot-paper**".

6. Schedule 1, clause 4, page 26, after line 9 insert —

   "(8) The returning officer must as soon as practicable after 4 p.m. on the 2nd day after the last day on

which notices of candidature may be received hold a ballot by lot to determine the order in which the name of each candidate is to appear on the ballot-paper.".

Third reading

Motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Annual review

Ms GILLETT (Werribee) presented report on 1999 and 2000 regulations, together with appendices.

Laid on table.

Ordered to be printed.

ROAD SAFETY (ALCOHOL AND DRUGS ENFORCEMENT MEASURES) BILL

Second reading

Mr BATCHELOR (Minister for Transport) — I move:

That this bill be now read a second time.

The main purpose of this bill is to address five matters that have been identified as inconsistencies or deficiencies in the alcohol and drugs provisions of the Road Safety Act. The amendments on these five matters will provide consistency of blood alcohol concentration offences and penalties.

Under the provisions of this bill, the police will be allowed to administer evidential breath tests in all suspected drug-driving cases and courts will be able to admit certificate evidence for blood and urine samples taken more than 3 hours from the time of driving.

The bill will also introduce a .05 blood alcohol concentration limit for licence-holders accompanying learner drivers and will limit all licensed motorcycle riders to a zero blood alcohol concentration in their first year of driving.

As a whole, the measures included in this bill will benefit learner drivers, motorcyclists and other road users by improving safety and reducing accidents involving alcohol or other drugs. This is an active step towards achieving the state's goal of reducing the road toll by 20 per cent within the next five years.

The alteration of the expression of the proscribed alcohol concentration limit provided in this bill will bring Victoria into line with the rest of the country. Most other states and territories have adopted a .05 grams of alcohol per 100 millilitres of blood as the point at which a fully licensed car driver commits a drink-driving offence. Victorian legislation has always specified the offence as exceeding .05, whereas in most other states the offence is committed at. 05.

This will end the anomaly that has, in the past, seen the courts accept the argument that a reading above .05 to the third decimal place is not in excess of the legislated limit. This interpretation has arisen because the present legislation states two decimal points only.

This situation has been replicated in cases of readings over .10, which should incur a mandatory loss of licence. An interpretation of this nature defeats the principle that a driver who is more than twice the legal blood alcohol concentration poses a significant risk to the community and should have his or her licence cancelled.

This bill will remove the anomaly about decimal places. It will restore the original intention of the legislation, which is that any blood alcohol reading of .05 or more is an offence, and any reading of .10 or more will incur a mandatory loss of licence.

The bill also addresses an anomaly in relation to the permitted blood alcohol concentration for persons who obtain a motor-cycle endorsement on an existing licence.

These amendments are in line with the recommendations of the Parliamentary Road Safety Committee. This committee recommended that a zero blood alcohol concentration requirement be introduced for such riders in the first year of their motorbike licence.

Riding a motorcycle requires different skills from that of driving a car. Studies of motorcycle accidents have found that a blood alcohol concentration of more than zero and lack of on-road riding experience are both factors which are associated with significantly increased crash risk.

The bill also introduces alcohol restrictions for licence holders who accompany learner drivers as non-professional driving instructors. At present, only

persons providing paid tuition to learner drivers, that is professional driving instructors, are subject to blood alcohol concentration restrictions. The bill does not change the zero blood alcohol requirement for professional driving instructors.

However, for other accompanying drivers, namely instructors who are not being paid, the bill proposes to create a new offence, called an 'accompanying driver offence'. This will set a legal blood alcohol concentration limit of 0.05. The bill will also require an accompanying driver to produce his or her licence and submit to testing, in the same way as if the person were driving the vehicle.

An 'accompanying driver offence' will not be penalised as heavily as a drink-driving offence because it does not pose as serious a threat to safety. The offence will incur a lesser fine, and it will not lead to a mandatory loss of licence.

The bill also seeks to amend the provisions relating to driving while impaired by drugs.

Part of the procedure involved in enforcing the new driving while impaired by drugs legislation includes the police being able to administer an evidential breath alcohol test as a preliminary step in the drug-driving assessment process. The bill will make it clear that the police can do this in all cases.

The bill also makes amendments permitting certificates of blood alcohol concentration taken outside the three-hour period to be admitted in evidence.

These amendments will enable certificates relating to blood and urine samples to be admitted as evidence of their contents whether or not the samples were taken within 3 hours of driving. Defendants still have the right to challenge the evidence contained in the certificate in court after giving due notice of their intention to do so.

Consequential amendments will be made to the Marine Act relating to blood alcohol limits for boat operators. This will maintain consistency with the Road Safety Act provisions relating to blood alcohol.

Section 85 statement

I desire to make a statement for the purposes of section 85 (5) of the Constitution Act 1975 in relation to an alteration or variation of the jurisdiction of the Supreme Court proposed by the bill.

The background to the proposed variation is as follows.

Under section 55(9A) of the Road Safety Act 1986, a person may be required to provide a sample of blood for analysis for its alcohol content if that person could not provide a sufficient breath sample or because the machine malfunctioned. This bill proposes to insert a new section 55(2AA), which will allow police to require a breath sample from a person undergoing drug assessment. Consequently, the bill also extends the scope of section 55(9A) to apply to the taking of a blood sample from a person who has been required to provide a breath sample under new subsection (2AA) if that breath sample cannot be tested. The circumstances in which such a blood sample may be taken, and the procedures which govern the taking of the blood sample, will otherwise be identical with those relating to persons who are being assessed under section 55.

Section 55(9E) presently provides that no action lies against a registered medical practitioner or an approved health professional in respect of anything properly and necessarily done in the course of taking a blood sample in accordance with section 55(9A). The scope of this immunity from action is effectively extended by this bill because blood samples may be taken in an additional class of cases.

Clause 16 of the bill proposes to insert a new section 94A(3) into the Road Safety Act 1986. That new section declares that it is the intention of section 55(9E) of the act to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing of an action of the kind referred to in section 55(9E).

The reason for this proposed alteration or variation is as follows.

It is in the interests of road safety and the general public to prevent or deter persons who are impaired by alcohol or drugs from driving motor vehicles. The enforcement system in relation to alcohol and drug impairment of motorists depends in part on the cooperation of health professionals in taking and analysing blood samples in accordance with the legislation. For these reasons, health professionals should be immune from legal action in relation to things properly and necessarily done in taking blood samples. The proposed alteration or variation to the Supreme Court's jurisdiction is necessary to ensure that the immunity conferred by section 55(9E) is effective.

In this context, it should also be noted that the bill proposes to prohibit a second blood sample being required under section 55B if a sample has already been obtained under section 55. The taking of blood samples is invasive and should be minimised. There should be

no need to take a second sample. The first sample can be tested for both alcohol and drugs and the existing section 57(2) enables such test results to be used in evidence in relevant legal proceedings.

The measures included in this bill are for the benefit of all Victorian road users. They seek to remove anomalies which impede efforts to combat the dangers posed by drivers impaired by alcohol or drugs. The measures are part of the continuing effort to encourage Victorian motorists to recognise the responsibility that they have to themselves and their fellow road users.

I commend the bill to the house.

Debate adjourned on motion of Mr LEIGH (Mordialloc).

Debate adjourned until Thursday, 19 April.

FOOD (AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Health) — I move:

That this bill be now read a second time.

Victoria is a significant producer of food for export and domestic consumption. The Victorian government is committed to maintaining the reputation of Australia as a clean, safe and fresh food producer.

The Australian food industry is a major component of the manufacturing sector comprising about one-fifth of manufacturing production. In 1998, food accounted for 17 per cent of all retail sales. It consists of about 4000 manufacturing firms and employs around 160 000 people nationally.

In Victoria, it is estimated that the manufacturing sector of the food industry alone employs 47 000 people and Victorian food exports have a value of over $4.9 billion per annum.

The principal legislation governing food preparation and the manufacture and sale of food in Victoria is the Food Act 1984. Its principal purpose is to ensure that food manufactured and sold in Victoria is safe for human consumption.

It contains provisions governing the registration of food premises, the role of local government, the powers of authorised officers and outlines a series of offences with respect to the sale of food which is unfit for human consumption or is adulterated.

Broadly, the bill amends the current act in three ways. First, it introduces the core provisions of the model food bill. Second, it introduces template food safety programs, provides for the registration of templates which some proprietors may choose to use in preparing a food safety program and removes the requirement for these proprietors to have their food safety program audited. Third, it amends provisions with respect to registration procedures and the obligations on local government as the registration authority.

In November 1997, the Kennett government amended the Food Act 1984 to require the proprietor of a food premises or food vehicle registered in Victoria to prepare and lodge a food safety program with the local council when it applies for registration, or renewal of registration, of its premises. It also requires that the food safety program must be audited by a third-party auditor. Each registered food premises is also required to nominate a food safety instructor.

It is the government's view that these requirements are too complex and impractical for food businesses, in particular, for small food retailers.

The requirement for all food businesses to individually assess each of the potential hazards within the business and to develop a plan that responded to each of those hazards created a huge workload or, if the business decided to hire an expert consultant to carry out this work, a huge financial burden for small businesses.

The requirement to engage an independent third-party auditor to examine compliance with, and adequacy of, each of those food safety programs added to this financial burden. Local government was also concerned at the workload and liability created by its role in assessing the adequacy of food safety programs.

The government initiated a review of these legislative arrangements and sought input from the food industry, the community and local government on options for reform. Stakeholder input was sought on areas of legislation and enforcement which had been highlighted as needing simplification or clarification.

After extensive consultation with key stakeholders, including a series of public meetings in regional and metropolitan Victoria, the government is implementing a package of measures that are simpler for businesses, enhance food safety and are based on a commonsense approach.

I take the opportunity to thank the many individuals, industry professionals, businesses and local government who contributed to this consultation.

This bill implements many of those recommendations.

Before describing the main features of the bill in detail, it is important to refer also to the national reform of food regulation. Given the significance of food regulation and Australia's reputation as a food producer, there has been extensive consultation on the most effective form of regulation of the industry at a national level.

In 1997 a national review of food regulation was announced. This review aimed to reduce the regulatory burden on the food sector and to improve clarity, certainty and efficiency of food regulation. The resulting report, handed down in August 1998, included 27 recommendations. A Council of Australian Governments (COAG) senior officials working group was then charged with the task of developing a whole of government response to this report.

This work led to the drafting of a national model food bill, which contains two parts. The first, known as annex A, contains a set of nationally agreed definitions, offences, defences, penalties and powers in an emergency. The annex A component of the bill also makes it clear that primary producers are not subject to all the provisions of the Food Act in Victoria. This clarifies the legal obligations, which apply to primary producers.

The second part, known as annex B contains provisions that can be adopted by each state jurisdiction.

The purpose of the model bill is to:

protect public health and safety;

ensure and enable provision of adequate information to consumers to enable them to make informed choices about food and to protect them against fraud and deception;

enable fair trade and the enhancement of trade and commerce in the food industry;

facilitate proactive, accountable and consistent enforcement and administration of the food acts.

Implementation of the model food bill will achieve a nationally consistent regulatory approach, which is co-regulatory, protects public health and safety as its primary aim and provides for a reduced regulatory burden on the food sector. National food safety standards address safety of foods, establish labelling requirements to inform consumers and provide detail to support the Food Act under which they sit.

This bill amends the Food Act to implement the model food bill agreed by COAG on 3 November 2000, together with the national food safety standards.

The bill incorporates a number of new definitions arising from the national reform process. For example, it no longer refers to food which is unfit for human consumption or food that is adulterated. The bill adopts the terms 'unsafe' and 'unsuitable' food.

In addition, the bill, in line with the model bill, provides a definition of 'food business'. This bill links 'food premises' and 'food businesses' to ensure that the actual premises on which food is prepared are still required to be registered under Victorian law. This bill does not change or affect the premises that are currently required to be registered under the Food Act.

The bill introduces a definition of 'primary food production' and excludes primary food production from the definition of 'food business' and the requirement to be registered. This means that premises on which primary food production takes place will not be required to register under Victoria's legislation.

The definition of 'primary food production' includes the packing, treating or storing of food on the premises where that food is grown, raised, cultivated, picked, harvested, collected or caught.

However, the effect is that packing sheds which store food produced or grown on other premises fall within the definition of a registrable premises.

It is intended that this limitation be examined with a view to recommending an exemption from registration for these packing sheds. It is not intended that this exemption extend to those premises where food is processed or offered for retail sale.

The bill also redefines a number of offences with respect to the sale of unsafe and unsuitable food and to false representations about food.

The more serious offences, which are indictable offences triable summarily, involve a person in handling food in a manner that a person knows, or should know, will render the food unsafe, or selling food that a person knows or should know is unsafe. The bill also provides that it is an indictable offence to falsely describe food or to sell food that a person knows or should know is falsely described when the likely result will be physical harm to a consumer who relies on the description.

The bill also creates less serious forms of all these offences, together with offences of engaging in

misleading and deceptive conduct in the conduct of a food business, and of non-compliance with the food standards code.

The bill also codifies defences and, in particular, contains a defence of due diligence which allows a person, including a corporation, to prove that they took all reasonable precautions and exercised all due diligence to prevent the commission of the offence.

In line with the model bill, the bill significantly raises the penalties for offences with respect to food. This approach was the subject of national consultation. The penalties range from a maximum of two years imprisonment and/or a fine of $100 000 for an individual, or $500 000 in the case of a corporation for the more serious indictable offences.

For summary offences, the penalties are a maximum of $40 000 for an individual and $200 000 in the case of a corporation.

These provisions are a reflection of the seriousness with which this government regards the sale of unsafe and harmful food to the public. More serious breaches can be tried before a jury. These indictable offences are also triable summarily.

The registration provisions of the current act and a number of other obligations fall on the proprietor of a 'food premises', rather than a 'food business'. Because the model bill places obligations on the proprietors of a 'food business', and because the food safety standards are enforceable against a 'food business', rather than a 'food premises', it has been necessary to provide provisions linking 'food business' and 'food premises'.

Other provisions in the bill reflect the emergency powers to be held by the secretary, agreed to in the model bill. These emergency powers are similar to the current powers under the Food Act and they allow the secretary to make a range of orders in circumstances where the order is intended to prevent or reduce the possibility of a serious danger to the public or to mitigate the adverse consequences of a serious danger to the public.

The model bill includes provisions for compensation arising from an improper use of the secretary's emergency powers. It has been agreed that the forum to determine such issues will be the Magistrates Court, where all other proceedings under the current act take place. Should the claim for compensation exceed the monetary limitation of the Magistrates Court it will go to the appropriate higher court.

The second component of the bill contains the changes arising from the government's consultation with the food industry in Victoria. The current act provides that where a proprietor operates a food premises that is a member of a declared class of food premises, the proprietor must prepare a food safety program which will be audited by an approved food safety auditor.

It is recognised that many businesses, particularly food manufacturers and larger retailers, already have extensive quality assessment systems built in and have used private sector food safety or food quality auditors for many years. The amendments do not change the arrangements which apply to proprietors of food premises who wish to continue to develop their own food safety programs and use the services of private sector auditors.

However, many small food retailers have expressed significant concern about the cost and impracticality of these arrangements for their businesses. As a result, this bill offers them a choice by allowing them to elect to use a template food safety program and be monitored by local government.

It is important to note that this part of the bill maintains the obligation on the proprietor of a food business to have a food safety program, but allows most proprietors to elect to develop their own food safety program or to follow a template, where one is registered for the class of business, in order to make a standard food safety program.

To facilitate this, the bill provides for the development of templates, defined as a set of instructions for the creation of a food safety program. The bill provides that a template can be registered by the secretary as suitable for use by proprietors of the class for which the template has been registered.

It is envisaged that the secretary will register templates prepared by those industry associations who wish to provide one for their members and a series of other templates, commissioned by the secretary, for various food processing activities.

It is envisaged that proprietors who are able to choose to use a template will be able to select a template that matches the food processing activities taking place on their premises.

It is anticipated that a proprietor will be able to create a food safety program by following the instructions in a template. The proprietor's food safety program is then defined as a 'standard food safety program'.

If a proprietor uses a template for a different sort of business or one which does not cover all the food processing activities within their business, the proprietor is in breach of his or her obligation to prepare a food safety plan as defined in the bill.

If a proprietor chooses to prepare a standard food safety program, compliance with that food safety program will be monitored by the officers of registration authorities, in the main, environmental health officers employed by councils.

It is important to understand that the bill does not weaken food safety initiatives already in place. The obligation to have a food safety program is maintained. It is the means of developing a food safety program which is simplified by the provisions of this bill.

Where a proprietor in a particular class has already had a food safety program approved as adequate under the current act, the bill provides that they may elect for a period of two years to have compliance with that food safety program monitored by local government rather than have it audited. As a result, those businesses, which have already complied with the act, will not be required to pay for the services of a private auditor unless they choose to.

One of the most critical elements in ensuring food safety is to ensure that food handling skills are maintained and improved across the food industry. To achieve that goal, the bill introduces a requirement that a proprietor of a food business must nominate a food safety supervisor for each of its food premises. The food safety supervisor will be required to have met an appropriate competency standard in food handling which relates to the nature of the business.

The National Food Industry Training Council has developed guideline competency standards. Within these competency standards are standards specifically identified for supervisors of food handlers. It is anticipated that the national food industry competency standards will be adopted in Victoria.

A third component of the bill simplifies and clarifies the role of local government in the administration of the act.

Since 1997, local government has expressed significant concern about the onerous responsibilities it places on officers to determine the adequacy of a food safety program. This bill removes that obligation. Furthermore, it provides that where a business has its food safety program audited by a private sector auditor, and the auditor's certificate has been provided to the registration authority, it is not necessary for the registration authority to re-examine the food safety program.

In addition, the bill amends the statutory immunity of local government by providing that any liability arising from any act or omission of an authorised officer will revert to the registration authority. Currently, a claim cannot be made against a registration authority. The bill therefore brings the act into line with government policy to ensure that access to fair remedies is possible.

Development of the bill has involved an extensive process of consultation and discussion with many people. Key stakeholders including members of the Food Safety Council, the Australian Hotels Association, the Restaurant and Catering Association of Victoria, Clubs Victoria, the Australian Institute of Environmental Health and the Municipal Association of Victoria have been most helpful and constructive in shaping these amendments.

Preventive food safety management carries a cost, but the benefit is improved public health and the continuing reputation of the Victorian food industry as a safe food producer. This bill ensures that the health of the community and reputation of our industry are protected within a simpler and more efficient framework

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 19 April.

TOBACCO (FURTHER AMENDMENT) BILL

Second reading

Mr THWAITES (Minister for Health) — I move:

That this bill be now read a second time.

I am proud to present this bill today as it represents a major public health initiative and demonstrates how far we have come, as a community, in recognising the significant health threat that smoking poses.

More than 4500 Victorians die each year of smoking-related illness and smoking costs Victoria in excess of $3.3 billion each year.

About 15 per cent of all deaths in Australia can be attributed to tobacco-related causes such as lung cancer, heart disease and emphysema. These deaths are avoidable.

Reducing smoking rates is the single most effective way to enhance the health status of Victorians, and to impact on rising health care costs.

Unfortunately, over the 1990s no progress was made in relation to teenage smoking rates.

Around 21 per cent of Victorian adults smoke. However, data from the 1999 Victorian secondary school students survey shows that 26 per cent of 16-year-old Victorian males, and 34 per cent of 16-year-old Victorian females, had smoked in the previous week.

Therefore, in May 2000, the Bracks government introduced significant tobacco reforms into the Parliament. The reforms were passed with bipartisan support.

These initiatives related to:

- smoke-free dining;
- the regulation of tobacco advertising and tobacco displays in tobacco retail outlets; and
- a requirement for retailers to display health warning or smoking cessation signs.

These reforms represented the most significant achievement in tobacco control since the Victorian Tobacco Act was introduced with bipartisan support in 1987.

The reforms I am introducing today build on these reforms and will move the tobacco control agenda further forward.

In summary, the key tobacco reforms contained in the bill are that:

- all enclosed retail shopping centres in Victoria will be required to be smoke free;
- retailers will be required to display signs that state it is illegal to sell tobacco to minors;
- the sale of single cigarettes will be prohibited;
- the advertising of cheap smokes or discount cigarette signs outside tobacco retail outlets will be prohibited;
- loopholes in the provisions prohibiting the practice of providing gifts with tobacco products will be eliminated; and
- mobile cigarette sellers will be banned.

In addition to these changes, government realises that the tobacco advertising changes introduced last year are significant. We understand the importance of providing tobacco retailers with sufficient time to plan ahead to accommodate the new tobacco advertising laws.

The government has conducted extensive consultations with the retail industry about the new legislation and regulations to be made under it.

The retail industry has indicated a concern about the time frame for implementation of the new laws. The government wants to ensure there is sufficient time for retailers to prepare for the new laws.

Therefore government has agreed to delay the introduction of the tobacco advertising reforms for an additional six months, until 1 January 2002.

As a further concession to tobacco retailers, we will also exempt cigars in humidors from the limits to the tobacco display area that retailers will be required to comply with.

This government has listened and responded to concerns raised by small business about the implementation of the reforms. These concessions have been made in response to issues raised by tobacco retailers.

I believe these measures will go a long way towards addressing the concerns small retailers have about the impact of these important health reforms.

The government has also provided a limited concession to three duty-free operators at Melbourne Airport, which will enable the display of one product line of each cigarette carton.

The concession will apply to duty-free stores past the customs barrier at Melbourne Airport. Turnover of tobacco products at these stores is significant. Further, these operators rely on a system whereby incoming and outgoing passengers self-select their cigarette cartons.

Self-selection is only practically possible if these stores are permitted to display the cigarette carton they have available for sale.

The concession also recognises that these stores are located in a passport-controlled environment. They are not a typical public place to which the tobacco display limits will generally apply.

We know that preventing children’s exposure to tobacco advertising is particularly important. Research suggests that tobacco advertising may play an even

more important role than peer pressure in influencing teenagers to smoke.

Banning point-of-sale advertising and limiting tobacco displays are positive steps which will help reduce the number of young people who take up smoking and assist those trying to quit.

Ultimately, the needs of small business must be balanced against this government's responsibility to prevent the promotion of a product which we know to be the leading cause of death and disease in Australia.

The bill before you today also introduces a number of new tobacco reforms that address passive smoking, and continue our efforts to reduce youth smoking.

There may be some who criticise the tobacco reforms as merely further regulation by government, but tobacco kills 13 Victorians every day.

Over the past 20 years, research has increasingly revealed the harm of second-hand smoke, especially to children.

Ill effects from passive smoking include lung cancer, heart disease, underweight babies and respiratory problems in children.

Therefore I propose to introduce a law requiring all Victorian retail shopping centres to be smoke free. The community is ready for this reform.

Research undertaken by the Anti-Cancer Council of Victoria in 1998–99 showed that 81 per cent of Victorians surveyed supported prohibiting smoking in shopping centres.

We also know that the majority of shopping centres, around 68 per cent, are already smoke free.

Peak associations such as the Property Council of Australia and the Shopping Centre Council of Australia welcome this amendment.

A further pressing problem on our tobacco agenda relates to young people taking up a habit that may eventually kill them.

Victorian children spend about $25 million per year on cigarettes, and 80 per cent of smokers start before turning 18 years of age. Smoking is essentially a childhood habit that continues into adulthood.

On 1 November 2000, reforms including increased penalties for those retailers who sell cigarettes to young people less than 18 years old, were introduced.

The amendments contained in this bill will go further to address the problem of teenage smoking.

Currently, legislation does not require the display of signs at tobacco retail outlets that state it is illegal to sell tobacco to minors.

Requiring retailers to display these signs is an important component of our strategy to reduce cigarettes sales to children and adolescents.

The findings of Melbourne's western region tobacco project were that retailers who displayed cigarette sales to minors signs were more likely to request identification from young people purchasing cigarettes and more likely to refuse a sale to a young person.

The bill will also prohibit the sale of single cigarettes.

This amendment is a further crucial component of our strategy to reduce teenage smoking, as single cigarettes are cheap and young people's demand for tobacco is far more price sensitive than adults' demand for these products.

The legislative reforms will also prohibit the display of 'discount cigarettes' or 'cheap smokes' signs outside of tobacco retail outlets.

While this type of advertising is not directly related to specific tobacco products, research shows that price is a key driver of tobacco consumption.

In particular, international research has illustrated a clear relationship between young people smoking and the affordability of tobacco.

Moreover, recent research published by the national bureau of economic research in Massachusetts also indicates that partial advertising bans are far less effective than complete bans in reducing people's exposure to tobacco advertising.

The legislation will also eliminate a loophole in the act where gifts or benefits may be offered with the purchase of tobacco products, as an inducement to purchase these products.

These gifts and benefits appear to be targeted at young people and act as an incentive to encourage them to purchase tobacco products. The gifts have included products such as make-up mirrors, CD cases and shot glasses.

This amendment will tighten the legislation to ensure that no non-tobacco products can be provided in connection with a tobacco product, or for the purposes of promoting the sale of a tobacco product. This is

regardless of whether or not a cost is attached to that product.

The amendment is important as it will help ensure government reforms that were passed in May last year, and which are aimed at reducing incentives for young people to purchase cigarettes, are not undermined.

Mobile cigarette sellers are a further form of promotional activity that tends to be targeted at young people. These activities typically target events with a strong youth culture.

Cigarettes sold by mobile sellers at such events are often heavily discounted.

The frequency of this type of advertising is likely to trend upwards as most other forms of tobacco advertising will soon be prohibited.

This amendment will help ensure that the incentives for young people to smoke are reduced, and will complement the package of tobacco display reforms to be introduced in January next year.

Local councils will continue their important role in enforcing tobacco legislation, including the new reforms I have outlined today.

The Bracks government is eager to maintain the productive working relationship we have forged with local government since coming to office.

We recognise the pivotal role local government will have in ensuring the success of the new tobacco reforms.

In conclusion, this bill will build on the tobacco reform package passed by the Parliament in May last year. It contains important measures to address both passive smoking and active smoking, particularly in relation to young people.

Importantly, these amendments in relation to small business will not compromise the overall aim of our tobacco reforms but they will help reduce compliance costs for small business and assist in the smooth implementation of the reforms.

The measures this bill introduces are extremely important. Recent economic modelling by the University of Melbourne shows that if our tobacco policies remain constant, tobacco consumption will rise again.

Therefore if we do not continue our tobacco control reform efforts, research tells us the incidence as well as the economic and social cost of tobacco use will continue to rise.

I wish to make a statement pursuant to section 85 of the Constitution Act 1975 about the reasons for altering or varying that section by clause 16 of the Tobacco (Further Amendment) Bill. That clause inserts a new subsection (2) in section 42B of the Tobacco Act, which states that it is the intention of section 42, as it will have effect after the amendments come into force, to alter or vary section 85 of the Constitution Act 1975.

Section 42 of the Tobacco Act provides that an action does not lie against a person for the failure to do anything that would constitute an offence under the act. This was included in the act when it was first passed in 1987.

The bill creates a number of new offences. It is necessary that section 42 apply to those offences in the same way that it applies to existing offences.

It would frustrate the purpose of the act if people felt compelled to undertake activities that were prohibited by the bill, such as the mobile selling of tobacco products, out of fear of some legal action which may be brought against them if they fail or refuse to do so.

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 19 April.

HEALTH SERVICES (HEALTH PURCHASING VICTORIA) BILL

Second reading

Mr THWAITES (Minister for Health) — I move:

That this bill be now read a second time.

This bill concerns changes to the way that public hospitals purchase goods and supplies so that best value is obtained for the use of public funds. It is designed to assist in implementing a key commitment in the government's health policy — that is, to implement a new approach to managing public hospitals to achieve long-term responsible financial management.

In order to determine the best way of achieving its objectives, the government established the ministerial review of health care networks, chaired by one of Australia's foremost health policy experts, Professor Stephen Duckett. The review's principal task was to advise the government on the optimal future

configuration, governance and management arrangements for metropolitan public hospitals, and mechanisms to ensure coordination of health services, promotion of consumer involvement and accountability for quality of care. The ministerial review also made a number of recommendations relating to better purchasing of goods and supplies by hospitals.

The review's principal recommendations relating to hospital purchasing were:

> that the government should require all public hospitals to purchase a specified range of pharmaceuticals and general medical supplies according to approved contracts from 1 July 2001; and
>
> that a task force involving broad health sector representation be established to examine the best possible model for establishing centralised public hospital purchasing.

In August 2000, a procurement reference group was established to identify the optimal arrangements for supply of goods and services to all Victorian public hospitals (both metropolitan health services and rural public hospitals). Jennifer Williams, chief executive officer of the Austin and Repatriation Medical Centre, chaired the reference group, which included representatives from each metropolitan health service and rural public hospitals. Experts in supply and logistics, pharmacy and clinical areas, and a representative of the Victorian Government Purchasing Board were also included within the membership.

The reference group identified and evaluated options for the implementation of central purchasing. It undertook a wide-ranging consultation process and circulated a consultation paper containing ten recommendations to public hospital chief executive officers, hospital suppliers, industry associations, unions and other interested parties for comment. A copy of the consultation paper was also placed on the Department of Human Services Internet site. The reference group received advice from senior executives of the New South Wales health department and Queensland Health where central purchasing arrangements for public hospitals and area health services have been in place for many years.

The procurement reference group considered that the most appropriate method to undertake central purchasing would be to establish a small body to coordinate and manage the procurement process, with tenders and contract management generally being undertaken by third parties such as public hospitals. It envisaged that such a body would have the flexibility to collaborate and work with other states' health purchasing units and organisations, and would establish strong links with the Victorian Government Purchasing Board. Given the highly specialised nature of purchasing for items such as pharmaceuticals, medical supplies and hospital equipment, the reference group determined that an expert body is needed to carry out this task.

I would like to thank all of the members of the reference group for the substantial time and effort that they expended in the process.

Health Purchasing Victoria

The bill implements the recommendations of the reference group. It will insert a new part 6 into the Health Services Act 1988 in order to create a new public statutory authority known as Health Purchasing Victoria, and to set out the governance arrangements, functions and powers of Health Purchasing Victoria.

The bill has been modelled, to some extent, on part 7 of the Financial Management Act 1994, which establishes the Victorian Government Purchasing Board, but has been tailored to meet the specialised requirements relating to the purchase of medical goods, services and equipment in the hospital sector.

It enables the Governor in Council to make appointments to Health Purchasing Victoria on the recommendation of the Minister for Health. Appointments will be made on the basis of the appointee's capacity to fulfil a governance role and understanding of the issues involved in central purchasing in the hospital sector.

Health Purchasing Victoria will comprise the following appointments:

> a chairperson with expertise in the health care industry;
>
> three people currently employed by a metropolitan health service one of whom will be a chief executive officer of a metropolitan health service;
>
> two people currently employed by a rural hospital one of whom will be a chief executive officer of a rural (public) hospital; and
>
> an officer of the Department of Human Services and an officer of the Department of Treasury and Finance.

The bill also enables up to two further appointments to be made of people who have expertise relevant to the functions of Health Purchasing Victoria. This provides additional flexibility to ensure that Health Purchasing Victoria has access to clinical and other expertise relevant to its functions.

The functions outlined in the bill for Health Purchasing Victoria include:

facilitating the supply of goods and services to hospitals;

the development, implementation and review of policies and practices relating to the supply of goods and services which promote best value and probity; and

monitoring compliance by public hospitals with purchasing policies and directions issued by Health Purchasing Victoria.

These functions reflect the government's vision that Health Purchasing Victoria will work with metropolitan health services and public hospitals to:

ensure that the needs of patients and clients are met in a responsive manner;

provide high quality care and continually strive to improve quality and foster innovation;

collaborate with each other and a range of other health and welfare agencies and local government; and

minimise unnecessary duplication of public health services and work to maximise system-wide efficiencies.

Where appropriate, Health Purchasing Victoria will put in place central contracts for specialised goods for use in public hospitals. It is also expected that Health Purchasing Victoria will work closely with the Victorian Government Purchasing Board in developing policies and putting in place purchasing arrangements. It is expected that cooperation with the Victorian Government Purchasing Board, health authorities in other states and other health and related services will provide significant purchasing efficiencies to Victorian public hospitals.

As I have indicated, the Ministerial Review of Health Care Networks recommended that the government should require all public hospitals to purchase a specified range of pharmaceuticals and general medical supplies according to approved contracts. Public hospitals and metropolitan health services are incorporated public statutory bodies and, as such, have the capacity to negotiate and enter into contracts in their own right to fulfil their objects and functions. However, actions taken by individual public hospitals may not always result in an optimal outcome for the public hospital system as a whole.

Recognising this, section 42 of the Health Services Act currently empowers the Secretary of the Department of Human Services to issue directions to some or all public or denominational hospitals with respect to specified matters, for the purposes of carrying out the objectives of the act. The act's objectives include ensuring that public funds are used effectively and that health services provided by health care agencies are of a high quality. One of the purposes of the section 42 directions power is to ensure that public hospitals can be directed to act in a coordinated fashion, where such coordination is necessary in the wider public interest.

In order to give effect to the recommendation to require public hospitals to purchase supplies according to approved contracts, the bill will amend section 42 in order to empower the secretary to issue a direction to a public hospital or metropolitan health service requiring it to appoint Health Purchasing Victoria as its agent for the purposes of obtaining or purchasing goods and services. Such directions may specify the conditions attaching to the appointment of an agent. For instance, the secretary may impose a condition requiring public hospitals to appoint Health Purchasing Victoria as their sole agent for the purposes of obtaining specified goods and services. Conditions may be imposed with respect to the scope of authority of the principal (a public hospital) and the agent (Health Purchasing Victoria).

As the agent of public hospitals, Health Purchasing Victoria will have the ability to enter into contracts directly on behalf of public hospitals, where appropriate. The power to direct public hospitals to appoint Health Purchasing Victoria as their agent is considered essential in order to minimise the transaction costs associated with hospitals contracting individually for goods and services, and therefore maximise the savings available to the health system as a whole.

Health Purchasing Victoria will also be able to collaborate with other health care agencies and organisations to put in place common purchasing arrangements. For instance, bodies such as community health centres or ambulance services may also wish to become parties to contracts negotiated by Health Purchasing Victoria, in order to benefit from the expected savings. The bill enables Health Purchasing

Victoria to enter contracts on behalf of other organisations that provide, fund or facilitate access to health or related services with their authority.

The bill requires Health Purchasing Victoria to have regard to specified matters in undertaking its functions and exercising its powers. Clearly any central purchasing arrangements must ensure that the clinical needs of patients are the primary driver of any decision to contract for a particular product or category of products. Other factors that Health Purchasing Victoria will be required to have regard to include the:

ability of suppliers to meet the requirements of central contracts;

individual conditions and requirements of hospitals; and

effect that tendering and contracting activities may have on small and medium enterprises and regional and industry development issues.

The bill enables Health Purchasing Victoria to develop and implement purchasing policies relating to the supply of goods and services to public hospitals and the management and disposal of goods by public hospitals. It sets out a procedure for the making of purchasing policies. Health Purchasing Victoria will be required to give notice of its intention to make, amend or revoke a purchasing policy to each affected public hospital and any other person that Health Purchasing Victoria considers will be affected, and to consider comments received within the specified time frame. It is expected that one of the first areas that will be addressed will be the development of probity in purchasing policies for public hospitals. The development of these policies will assist in ensuring that the conduct of government business is fair, open and above board.

The bill provides for an exception process to ensure that where the application of a particular purchasing policy is inappropriate for clinical or other reasons, such as the locality of the hospital, then Health Purchasing Victoria can exempt it from the application of the whole, or part, of that policy.

To enable effective communication with hospitals and to ensure that Health Purchasing Victoria has access to expertise, particularly of a clinical nature, the bill enables Health Purchasing Victoria to establish advisory committees. These committees will enable Health Purchasing Victoria to receive expert advice in relation to purchasing arrangements and product evaluations, and will facilitate effective linkages with hospital staff who use the products purchased under Health Purchasing Victoria arrangements. These committees will facilitate the involvement of the hospital staff in decision-making and will allow Health Purchasing Victoria to effectively target supplies that can be purchased more effectively. It is expected that clinicians, supply experts and other hospital staff will make up these advisory committees and develop recommendations on what products should be centrally purchased and how this should occur.

Conclusion

This bill is designed to improve the effectiveness of Victoria's hospital system by:

facilitating the collaboration of public hospitals to achieve best value in their purchasing;

reducing inefficient or inappropriate duplication of functions and, in particular, tendering activities; and,

improving purchasing practices through the implementation of improvements in supply chain management and the development of purchasing policies and practices that ensure probity in purchasing.

It is vital to ensure that the Victorian health system operates in the most effective and efficient manner and continues to provide high quality care. The establishment of Health Purchasing Victoria will provide a significant contribution towards that end.

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 19 April.

BENEFIT ASSOCIATIONS (REPEAL) BILL

Second reading

Mr CAMERON (Minister for Local Government) — I move:

That this bill be now read a second time.

The purpose of the Benefit Associations (Repeal) Bill is to repeal an obsolete piece of legislation, the Benefit Associations Act 1958.

The Benefit Associations Act 1958 is based on the Benefit Associations Act 1951. The 1951 act was introduced to combat a perceived lack of regulation of prepaid benefit schemes. In particular, there was a perception of abuse of prepaid funeral benefit schemes where the solvency of some schemes and the predatory

behaviour of undertakers promoting those schemes was a political issue at that time.

The 1951 act was passed with bipartisan support and the second-reading debates are instructive in what they reveal about the need for responsible regulation by governments in such important areas as sickness, hospital, medical and funeral benefits.

Prior to the introduction of the act in 1951, there was no control over the operations of those benefit schemes in Victoria. Large numbers of complaints had been received by members of all parties from dissatisfied subscribers. Funeral benefit schemes were of particular concern at that time.

A typical scenario of the day was for age pensioners to pay sixpence a week from their pensions (which they could ill afford) into a funeral benefit fund. In many cases after years of contributions, no benefit was received. There were anecdotes of substandard caskets being provided and in one instance a crack appeared in the coffin during the funeral service. On other occasions relatives were obliged to contribute out of their own pockets to obtain a decent standard of coffin even though the deceased had made regular contributions over a lifetime well beyond the value of the funeral service being offered.

As the Honourable William Slater (formerly the Attorney-General in the first Cain Labor government) noted during the second-reading debate for the 1958 act:

> … their activities (i.e. funeral service providers) represent a very sad story in the social life of this state. Their failure inflicted the greatest possible misery on the most deserving section of the community because Parliament had not been careful enough to protect contributors.

Bodies regulated by the Benefit Associations Act

The Benefit Associations Act 1958 applies to associations (whether incorporated or unincorporated) which undertake or carry on the business of sickness, hospital, medical or funeral benefits. The act regulates these associations essentially by providing for registration of associations, separate trust funds for contributions and close supervision of the rules of each association. The act requires these associations to be registered, unless exempt from registration pursuant to section 4 of the act.

However, no associations have ever been registered under either the 1958 act or the 1951 act that preceded it. Instead, a series of exemptions from the acts were granted to various associations, some unconditionally, but mostly with a number of conditions.

An examination of these exempted associations reveals why the Benefit Associations Act 1958 is now redundant.

The activities and business which were initially intended to be regulated under the act have instead been regulated under commonwealth legislation for many years. Seven organisations that were conditionally or unconditionally exempted from the act are also registered under the commonwealth National Health Act 1953 and are supervised by the Private Health Insurance Administration Council.

Most exemptions were conditional, often in respect of arrangements for funds being held in trust. These funds were held by various regulators, and more recently by the Victorian Financial Institutions Commission. A number of other exemptions exist which relate to now-defunct organisations.

Until recently, only two funeral funds remained outstanding as operating under exemptions from the act. However, all outstanding issues involving the funds in question were resolved prior to the winding up of the Victorian Financial Institutions Commission in July 1999. Any remaining funds and security, which had been held by the commission and previous regulators for many years, were then returned to the relevant organisations.

The Benefit Associations Act 1958 has also been rendered obsolete and unnecessary by the operation of a number of newer regulatory schemes.

No funeral benefits schemes have been granted exemption from the Benefit Associations Act 1958 since the 1950s. In relation to funeral funds, the Victorian Funerals (Pre-Paid Money) Act 1993 established a newer regime and is the more appropriate regime for continued regulation of funeral prepayment schemes.

As stated previously, the seven existing health benefit organisations that are exempt from the Benefit Associations Act are now administered under the commonwealth National Health Act 1953 which provides comprehensive regulation of the schemes.

Also exempt from the Benefit Associations Act are certain nominated life insurance companies and all insurance companies (other than life companies) authorised to carry on insurance business under the commonwealth Insurance Act 1973.

Insurance companies and insurance agents are now regulated under commonwealth law by the Australian Securities and Investments Commission (ASIC) and the

Australian Prudential Regulation Authority (APRA). It is considered inappropriate to maintain continued regulation of the activities of insurance companies regulated by commonwealth law. First, because there has been no active regulation at state level anyway, and secondly, because there appear to be no demonstrated problems with the commonwealth regime that requires supplementation by state law.

It is apparent that while at the time of its introduction the Benefit Associations Act 1958 served a useful purpose, subsequent legislative developments at the commonwealth and state levels have made the act redundant and suitable for repeal. The government is committed to streamlining Victoria's statute book and removing any unnecessary burdens for business. This bill clearly achieves that aim.

I commend the bill to the house.

Debate adjourned on motion of Mr DOYLE (Malvern).

Debate adjourned until Thursday, 19 April.

AUCTION SALES (REPEAL) BILL

Second reading

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The bill implements the government's response to the recommendations of the national competition review of the Auction Sales Act 1958 (the act) by repealing that act and making the necessary consequential amendments to certain other acts as a result of the repeal. The act provides for the licensing of auctioneers of goods including livestock.

The national competition review was undertaken in 1999–2000. The review involved consultation with a wide range of organisations including the Livestock Saleyards Association of Victoria, the Victorian Farmers Federation pastoral group, the Victorian Stock Agents Association, the Auctioneers and Valuers Association, the Real Estate Institute of Victoria and the Victoria Police. The review concluded that the benefits of licensing auctioneers of goods are outweighed by the costs.

The repeal will remove a cumbersome and outmoded licensing regime, which provides no real benefit to those engaging auctioneers or those buying at auction.

A savings provision in the bill requires records of livestock kept under the act to be preserved under the Livestock Disease Control Act 1994 to maintain the benefits of record-keeping requirements in terms of tracking and controlling livestock disease.

The repeal will commence on 1 January 2002. This will enable current licensees and intending applicants to be advised of the discontinuation of licensing well in advance of the November application date for new licences.

A range of acts such as the Second Hand Dealers and Pawnbrokers Act 1989, the Motor Car Traders Act 1986, the Summary Offences Act 1966, the Estate Agents Act 1980, the Transfer of Land Act 1958 and the Instruments Act 1958 currently recognise the licensing of auctioneers. Consequential amendments to these remove references to licensing without otherwise changing the position of auctioneers generally.

I commend the bill to the house.

Debate adjourned on motion of Dr DEAN (Berwick).

Debate adjourned until Thursday, 19 April.

Remaining business postponed on motion of Mr HAERMEYER (Minister for Police and Emergency Services).

ADJOURNMENT

Mr HAERMEYER (Minister for Police and Emergency Services) — I move:

That the house do now adjourn.

Police: Bellarine Peninsula

Mr SPRY (Bellarine) — I raise with the Minister for Police and Emergency Services another matter that concerns law and order and safety issues on the Bellarine Peninsula. I again ask the minister to increase police patrols in my area as a matter of urgency. Just over a week ago an incident occurred at Safeway, the supermarket near my office in Newcomb, when a thief attacked a seven-months pregnant young woman. She was thrown against the door of the toilet and robbed in broad daylight. The people who rushed to assist her were absolutely outraged that that could occur.

Such incidents are becoming commonplace in Geelong. I have no doubt many such incidents are drug related, but that is not the point. The point is that people no longer feel safe walking down the streets in this area in broad daylight. Mr Keith Murray, on behalf of the

agents for the supermarket, spoke to the police about general security in the area. According to Mr Murray the police apparently responded with, 'Well, what do you expect? We only have three police patrolmen to cover 250 000 people'.

The people in my electorate ask: where are the police officers? They are probably looking after offenders held in overcrowded police cells. Meanwhile, to back up the city force, officers are dragged from surrounding areas, including police stations at Drysdale, Portarlington, Queenscliff and Ocean Grove, and as a result, those stations are left short staffed and the public in those areas is left unprotected.

I ask the minister to explain to my constituents the shortfall in police patrols.

Mr Haermeyer interjected.

Mr SPRY — The electorate does not want to again hear as an excuse a barrage of abuse about the former government. People are sick of that; they have been listening to that for months, and they are sick to death of it. Just tell us, Minister: firstly, do you at least acknowledge that the problem exists? If so, what do you intend to do about preventing innocent young women such as the one I have described risking life and limb on the suburban streets of Geelong and in my electorate of Bellarine? You know more about it than you are letting on! Minister, what is the answer to it, and what are you going to do about it?

Road safety: real estate auctions

Mr ROBINSON (Mitcham) — I raise for the attention of the Minister for Police and Emergency Services, who represents the Minister for Consumer Affairs in the other place, a matter relating to the conduct of auctions. The Minister for Consumer Affairs has responsibility for both the Auction Sales Act and the Estate Agents Act. I ask the minister to consider the introduction of warning signs that could be displayed at the approaches to auctions conducted in the streets of greater Melbourne and in built-up areas elsewhere in Victoria.

Last weekend I attended an auction in my neighbourhood. It was a pleasant Saturday afternoon.

An honourable member interjected.

Mr ROBINSON — No, I was only watching this time!

The auction drew a large crowd, including a significant number of children. The crowd occupied both sides of the road. During the course of the auction a number of vehicles passed by. Because of the location of the property, close to the road intersection, there was little warning to drivers that close to them was a crowd, containing many children, some of whom were crossing the road.

I seek from the minister consideration of warning signs either side of an auction site becoming a standard fixture. I imagine that lightweight signs positioned by estate agents would involve little trouble, because they already put up several signs. But it could go a long way towards avoiding any real danger of children being struck by motor vehicles. I hope the minister can discuss the issue with estate agents and the Real Estate Institute of Victoria so that signage is introduced by agreement in the near future.

Goroke: disaster assistance

Mr DELAHUNTY (Wimmera) — I raise a matter with the Minister for Agriculture and ask why the Goroke fire victims are not being given government assistance. Late last year fires around Glenorchy, which is close to Stawell, and Laharum caused devastation to large areas and impacted on the towns and communities. Last year I thanked the government for its assistance in funding fencing materials, providing concessional loans and offering support through agencies such as the Department of Natural Resources and Environment and the Rural Finance Corporation and various other government agencies. That assistance was very welcome in those communities.

On 20 February this year fire impacted on the Goroke community. Following the fires I visited the area with the former mayor of West Wimmera, Cr Warren Wait, council staff, representatives of the Country Fire Authority and two farmers affected by the fire. There had been considerable damage, with loss of pasture and loss of internal and external boundary fences, but fortunately there was no loss of human life.

The total area burnt was 1400 hectares affecting 11 properties, with 50 kilometres of boundary fencing damaged. The area burnt is larger than 66 of the electorates in this chamber. It is about the same size as the electorate of Narracan, so honourable members have some idea how large the area damaged was. The affected property owners are outraged that the government has not supported them in their time of need. The government should, as it did with the fires near Stawell and Laharum, support the communities with boundary fencing material and concessional loans.

An article in the *Wimmera Mail Times* of 26 March reports that the community is outraged at the government's refusal to offer assistance. The former mayor of the Shire of West Wimmera states in a letter to the Minister for Agriculture:

> On behalf of the community we would seek your urgent consideration of support.

He also says that an indication of support from the minister's office would be very positive and encouraging for the property owners.

I have received letters from Mr Philip Barbetti and Graeme and Dianne Meyer, who are also very upset. I call on the minister to review the decision because the Goroke fire victims should be treated exactly the same as those people affected by the fires at Stawell, Glenorchy and Laharum areas.

Fishing: abalone

Mr DIXON (Dromana) — I direct to the Minister for Community Services, who is at the table, a matter for the attention of the Minister for Energy and Resources in another place. I ask the minister to ensure that the laws for the poaching of abalone and other shellfish are better policed in the short term and that in the long term they are changed. There is a serious problem along the rock ledges of the Mornington Peninsula National Park on Bass Strait where shellfish are being poached openly at a phenomenal rate. On a weekend in March at the Sorrento back beach, probably one of the most visited beaches in Victoria, with more than 700 000 visitors a year, 50 people were counted openly walking through the rock pools pulling up everything they possibly could, far above the limit.

The Parks Victoria rangers were called, but as it was totally out of their jurisdiction some of the local residents decided to call the police. The police said it was a low priority so far as they were concerned and that they were far too busy and undermanned. On weekends, even in winter, the population of the southern peninsula doubles, so it is not something the police can tackle. The fisheries officers were called, but none was available. They are thinly stretched and could do nothing. The incident occurred openly and in front of many people. It was a public flouting of the regulations.

Every Easter the peninsula has extreme tides, so at low tide over this coming holiday break new areas of rock pools not normally open will be exposed. It will be open season again!

In the short term the area must be visibly policed so that an example is set. In the long term the bag limits and the regulations have to be tightened considerably, because it is not fair to legitimate fishers who have paid a lot of money for licences. There are regulations under which to fish legitimately. I ask the Minister for Energy and Resources to take prompt action.

Millgrove: river camp

Ms LINDELL (Carrum) — I request the Minister for Environment and Conservation to take action to ensure that a Mr and Mrs Buck Hamlyn are satisfactorily resettled and that the area along the Yarra River at Millgrove where they have been camped is rehabilitated.

This is a sad case, and I am particularly concerned because I have in my possession a letter from the honourable member for Evelyn that has been circulated to the residents of Millgrove in the Upper Yarra Valley. The letter contains a request from the honourable member for assistance from local residents in what appears to be her campaign against two homeless people who have assembled a fairly crude humpy on Crown land on the banks of the Yarra River. I understand the couple have been homeless for some time after being evicted from a local residence, and since early February they have resorted to camping on the banks of the river.

Although I appreciate that that sort of occupation and dwelling may offend some local residents, it is inappropriate and fairly heartless for an elected member of Parliament to conduct herself in the way the honourable member has done in dealing with the issue.

Mrs Fyffe — On a point of order, Deputy Speaker, matters raised on the adjournment debate must call for action, and I am wondering what action the honourable member is calling for — although I may have missed the honourable member's opening remarks.

The DEPUTY SPEAKER — Order! There is no point of order. The honourable member for Carrum has asked the minister to take action.

Ms LINDELL — It appears that in a fit of political opportunism the honourable member for Evelyn has enthusiastically embarked on a campaign of public vilification against the Hamlyns. It is heartless for an elected member of Parliament to resort to publicly denigrating two vulnerable older people. It only serves to fuel community resentment against the couple.

Mrs Fyffe — On a point of order, Deputy Speaker, the honourable member is impugning my character, and I ask that she be requested to withdraw.

The DEPUTY SPEAKER — Order! The honourable member for Evelyn has taken offence at the comments of the honourable member for Carrum. I ask the honourable member for Carrum to withdraw the comments.

Ms LINDELL — Which particular comments?

The DEPUTY SPEAKER — Order! I ask the honourable member for Carrum to withdraw.

Ms LINDELL — I withdraw the offending remarks.

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

Ambulance services: Gippsland East

Mr INGRAM (Gippsland East) — I ask the Minister for Health to take action to ensure that the service provided by Rural Ambulance Victoria, particularly in Lakes Entrance and Bairnsdale in my electorate, does not diminish because of the change from community ambulance officers to permanent ambulance officers.

I have had representations from a number of people about a couple of ambulance stations in my electorate. They are concerned because a new roster has been submitted to Rural Ambulance Victoria. The roster includes a number of community ambulance officers and they are having trouble convincing the government of the need to have only permanent ambulance officers.

The union has become involved and has refused to concede that community ambulance officers should be included on the roster. The community ambulance officers have 15 years experience, are well trained and attend regular courses.

I ask the minister to take action to ensure that the new roster system in East Gippsland takes into consideration the wealth of experience of the community ambulance officers and delivers the greatest possible service to my electorate.

The concern is that there is limited access to qualified ambulance officers and a long waiting list to provide them to my area. The roster that has been put forward has the support of all the ambulance officers and appears to have the support of everyone bar the union officials.

I ask the minister to ensure that the new roster delivers the greatest possible service across my electorate and does not put anybody at risk because permanent officers have to be called back on duty. The area has limited coverage and back-up teams have to be sent from Lakes Entrance to Bairnsdale because the area does not have volunteer community ambulance officers on call.

Wodonga hospital

Mr PLOWMAN (Benambra) — I raise an issue for the attention of the Minister for Health. Wodonga hospital has an outstanding record in respect to the increase in service delivery since the introduction of casemix funding in 1993. The number of admitted patients per annum has risen from 5500 to 17 000, and the proportion of day procedures has risen from 20 per cent to 55 per cent. However, the hospital is currently facing a shortfall in funding of about $500 000 for radiotherapy services delivered from the Murray Valley Private Hospital. The funding shortfall has occurred because the department has not accounted for the increase in services of about 5 per cent this year.

The department has agreed to match that by increased funding of $100 000 but has not as yet agreed to meet the $500 000 shortfall at the Wodonga hospital. Although it has been suggested that the department will meet this amount in the next financial year, I request that the minister look at the issue and give a written acknowledgment to the hospital that the $500 000 will be met this financial year so it can continue to provide the services. Otherwise, it is expected that two of the three operating theatres will have to close, resulting in 200 people missing out on their elective surgery this month.

An article in the *Border-Mail* of 22 March states:

> Surgeon and chairman of the Wodonga Medical Advisory Committee Dr Kevin Holwell said the community was being penalised because the hospital was underfunded.
>
> 'There are patients who are waiting for surgery and their wait is going to be prolonged', Dr Holwell said.

Indochinese communities: social workers

Mr LIM (Clayton) — The matter I raise is for the attention of the Minister for Community Services. I ask the minister to take action on the shortage of professional social workers to care for the demonstrated needs of the Indochinese communities — the Vietnamese, Cambodian and Laotian communities, and the Chinese from those countries.

Previously I have drawn to the attention of the house the complete lack of ethnospecific staff I observed during a visit I undertook with some Vietnamese community leaders to the Sale prison some two years ago. A quarter of the inmate population there came from a Vietnamese community background, yet not a single professional staff member there speaks the Vietnamese or Chinese language.

The lack of ethnospecific support for these young people after they come out of the correctional facility was highlighted by the annual report of the Youth Parole Board, which has been tabled in Parliament for three years running. Back in the days of the Kennett government I asked it to respond to this demonstrated need. However, the then government continued to ignore the problem, despite the fact that there was a call for it to do something.

It is important to look at the cultural backgrounds of prisoners and the lack of professionals in this field. Members of the Indochinese communities come from backgrounds where there has never been a tradition of professional development of trained social welfare workers. Traditionally, if there is a problem in a community these people go to the temple, to the elders or to their family for support. Tragically these communities are very dislocated in Australia. Their members have come here as refugees, suffering from the tragedies of war, and often do not have those traditional supports available to them.

Unless there is a positive response from the government the Indochinese communities will continue to be absurdly overrepresented in the prison system. I therefore implore the minister to take positive action to ensure there is an adequate number of professionals in this field to cater for the demonstrated need of these unfortunate people.

Driver education: training review

Mr BAILLIEU (Hawthorn) — I raise for the attention of the Minister for Post Compulsory Education, Training and Employment the ministerial review of driver education training in Victoria. I specifically ask the minister to release the review, detail the outcomes and provide the driver education industry with the assurances it needs to continue in the right vein.

I believe the ministerial review has been in place for more than 12 months without any outcomes having been made clear to the industry — and it is an important industry. The review went to the distribution of training delivery, and included one of the biggest private providers, the Driver Education Centre of Australia. DECA operates out of its facility at Millers Road, Altona North. The facility is not unfamiliar to the honourable member for Altona, who is the minister. DECA also operates out of Shepparton, and elsewhere.

The review was not about only light vehicle training, but included training on heavy vehicles, forklifts, buses and the like. The review also went to the viability of driver education training delivery and strategies for that delivery across Victoria. I again urge the minister to release the review and detail the outcomes.

Schools: Napoleons and Lethbridge

Mr HOWARD (Ballarat East) — I ask the Minister for Education to support the progress of construction plans for two schools in the Golden Plains shire — the Napoleons Primary School and the Lethbridge Primary School.

The schools have many similarities. They both have on their sites a central historic building, and a number of newer school buildings built over the past 50 years. However, both schools recognise that the present school buildings need a lot of attention. In conjunction with the Golden Plains shire, which I am pleased to see is a very proactive shire, both schools realised that rather than spending a lot of money on their sites it would be better for them to relocate to the recreation reserves in their respective towns of Napoleons and Lethbridge, which would provide them with greater opportunities for accessing the well-developed facilities on those reserves, while at the same time removing the schools from main road sites.

The Napoleons Primary School site is on the Ballarat–Rokewood road, which is a busy road, and the Lethbridge Primary School site is on the Ballarat–Geelong road. Both schools would clearly benefit by being relocated to the sites that the Golden Plains shire is pleased to support them moving to.

I am pleased that as a result of the actions already taken by the minister Napoleons Primary School has been granted master planning status to allow it to draw up plans to be relocated to the alternative site at Napoleons Reserve. Lethbridge Primary School has not been given that status at this stage, and I encourage the minister to expedite that process. I also ask the minister to assist in bringing forward funding in the next budget so Napoleons Primary School can move from the planning stage to seeing bricks and mortar on its chosen site adjacent to Napoleons Reserve.

Both schools are doing a great job despite having had limited facilities for some time. A new life on a new

site would be of great benefit to those schools, and I look forward to the minister taking action to ensure their progress.

Cooling towers: regulation

Mr SMITH (Glen Waverley) — I direct to the attention of the Minister for Health a matter concerning legionnaire's disease. In May last year I raised the matter of cooling towers after I received a letter from one of my constituents, Mr David Fisher — an electrician who has a great interest in this matter — which outlined a number of good suggestions. At that time the Treasurer had responsibility for matters concerning electricians, and he said in the house that the suggestions in the letter were good.

As a result of my putting the matter on the record in *Hansard*, the Minister for Health wrote to me in August last year responding to the issues raised by Mr Fisher's letter — and I will make Mr Fisher's letter available to Hansard and anyone else who wants it. Mr Fisher suggested that the procedure should be that tradespeople such as plumbers and electricians should issue certificates of compliance and log on to a voice interactive response system within the appropriate department.

Since then regulations have been introduced. However, in his most recent letter to me Mr Fisher says that while the regulations have gone a long way towards fixing the problem, the onus is still on the proprietor to issue a certificate. He claims that although that is not bad, we could go one step further and put the onus not only on the proprietor but also on the last person to do maintenance — that is, the plumber or appropriate tradesman. He is saying that a certificate of compliance should still be issued: the owner pays the person for coming around but the tradesperson has to issue the certificate. A certificate must be paid for, and I think the cost is about $20.

As a result there is a double test. It means the tradesman must do more than just replenish the chemicals; he must do the job thoroughly and properly. He says the buck does not finish with — —

The DEPUTY SPEAKER — Order! Will the honourable member say what action he would like the minister to take?

Mr SMITH — Yes, I am asking the minister to follow through with the action suggested by Mr Fisher and put the onus on the last tradesman who completes the work, regardless of the cost of the service, rather than on the owner. Keep the requirement on the owner, but ensure that the onus is also on the person who completes the job. I will give the letter to the minister.

Monash Freeway: noise

Mr WILSON (Bennettswood) — I ask the Minister for Transport to instruct officers of Vicroads to work with my constituents to find a solution to the significant noise pollution emanating from the Monash Freeway.

I have recently received a petition from residents in the Mount Waverley area concerning the noise levels. The petition is not in the form required by the rules of this house, but I am pleased to advance the cause on which it seeks action.

My constituents are seeking appropriate noise barriers to be erected along the section of the freeway that borders my electorate. I understand Vicroads has funding available for these works in the 2001–02 budget. I will be working with my constituents and, I hope, the officers of Vicroads once the minister has issued his instructions to bring about a solution to the problem.

I will quote from a letter I received from a constituent dated 4 April:

> To find a suitable solution to our problem requires consultation between Vicroads and the representatives for the resident groups, they need to come out —

that is, Vicroads —

> and see the problem in order to fix it.

In the same letter they invite me to come along and experience the noise and traffic they are currently experiencing, which I intend to do next week.

Noise pollution considerably affects the quality of life of my constituents in the Bennettswood electorate. Will the minister speak immediately to officers at Vicroads and instruct them to hear the noise and find a ready solution to the problem?

The DEPUTY SPEAKER — Order! The honourable member for Bendigo East has 30 seconds.

Bendigo: community health centres

Ms ALLAN (Bendigo East) — I raise for the attention of the Minister for Health the matter of funding for community health centres and ask what action he has taken to boost community health in Bendigo, where the Eaglehawk community health centre was on the brink of collapse because of the knife the former government used to cut community health centre funding throughout Victoria.

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

Responses

Ms GARBUTT (Minister for Environment and Conservation) — The honourable member for Carrum raised the matter of the Hamlyns, who had been evicted from their home and following that set up a crude humpy on the banks of the Yarra River near Millgrove. Despite the suggestions of the honourable member for Evelyn, this was not an easy issue to resolve. A number of difficulties were experienced, including limited availability of public accommodation throughout that area.

The Department of Human Services and Parks Victoria have now succeeded in finding suitable alternative accommodation for the couple in the local area. That is a good outcome. I hope they have been able to move and settle in. I understand the area where they were camping became an eyesore, and Parks Victoria has undertaken a clean-up of the site and general rehabilitation works.

Although I do not condone the Hamlyns' camping on the site, the behaviour of the honourable member for Evelyn has shocked and disappointed me. Instead of showing compassion for her constituents, she has vilified them.

Mr Perton — On a point of order, Madam Deputy Speaker, this is a clear violation of the standing orders — it is a reflection on a member. The minister is here to answer on a matter of government administration, and her views about the honourable member for Evelyn are beneath contempt and of no relevance to this debate.

The DEPUTY SPEAKER — Order! I uphold the point of order.

Ms GARBUTT — I withdraw. The honourable member for Evelyn has enthusiastically embarked on a campaign for her own political ends.

Mrs Fyffe — On a point of order, Madam Deputy Speaker, I refer to standing order 108. The minister is imputing improper motives on my part. I ask her to withdraw. I was acting for the people of Millgrove.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. In this case the minister is using normal terminology. I do not believe it is a personal reflection on the behaviour of the honourable member for Evelyn. The minister is aware of the parameters in which she can operate.

Dr Napthine — On a further point of order, Deputy Speaker, improper motives are what is being suggested as the motive of the member concerned. I ask that the minister consider her language and withdraw the remarks that imply that the honourable member for Evelyn was taking action only for her own political ends. That is an imputation of improper motives.

Rather than the house being brought into further disrepute because of the way it has operated today, I ask that you, Deputy Speaker, reconsider and ask the minister to do the right thing and withdraw.

The DEPUTY SPEAKER — Order! In the interests of the debate concluding at a reasonable hour, I ask the minister to withdraw and conclude her answer.

Ms GARBUTT — Thank you, Deputy Speaker. I withdraw.

However, for the edification of honourable members I will quote the opening sentence of the letter sent by the honourable member for Evelyn to her electorate:

> I am writing to ask for your assistance in forcing the state government into taking action in relation to Buck and Carol Hamlyn.

That sentence lacks compassion and is an unsympathetic response that castigates her own constituents. Rather than assisting them, the honourable member has invited the public to campaign against her constituents. The response I received was not the response the honourable member expected. People who contacted me were outraged that the local member would use her power and influence against two vulnerable constituents. A resident summarised the situation nicely:

> We don't need members of Parliament abusing their position to make political capital out of the misfortune of others. I believe that it is both outrageous and disgraceful that such a letter has been circulated in our community.

Mrs Fyffe — On a point of order, Deputy Speaker, the minister may be unintentionally misleading the house. She said 'a resident'. I believe that person is a resident of Seville, not a resident of Millgrove.

The DEPUTY SPEAKER — Order! There is no point of order. The minister said 'resident' but did not specify where that resident lived. I ask the minister to conclude her answer.

Dr Napthine — On a point of order, Madam Deputy Speaker, the minister is quoting from a document, and I ask that she make it available to the house.

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

Ms GARBUTT — I am referring to my notes.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The Chair understood the minister to say she was quoting from a letter.

Ms GARBUTT — I have the quote written in my notes and I am reading it out.

The DEPUTY SPEAKER — Order! I ask the minister to make available the quotation she read in the house.

Ms GARBUTT — I will do that.

Dr Napthine interjected.

The DEPUTY SPEAKER — Order! The behaviour of the Leader of the Opposition is inappropriate. He is disorderly, and I ask him to behave.

Ms GARBUTT — Clearly the people who received the letter knew that a member of Parliament should show compassion to vulnerable people who were evicted from their home and were homeless. Local residents and voters expect assistance from their members of Parliament, not some campaign to have them moved on regardless of whether a house is available for them. Work was being done, and those people have been successfully relocated.

The response I have received contrasts enormously with the tough, harsh attitude shown by the honourable member for Evelyn. She was intent on moving them along without showing any feeling and doing nothing to assist in the process. A member of Parliament was running a campaign with no compassion.

Today my parliamentary colleague the Minister for Housing announced a government initiative to assist homeless people, clearly demonstrating that the approach of the Bracks government is in stark contrast to the difficult, tough and harsh attitude of the honourable member for Evelyn. The honourable member was prepared to encourage divisiveness in the community by taking irresponsible public action against members of her constituency who were entitled to expect her support and assistance.

Mr THWAITES (Minister for Health) — The honourable member for Gippsland East raised the issue of the Lakes Entrance ambulance service. I can assure the honourable member that there will be no diminution in ambulance services for the people of Lakes Entrance. Indeed, the government is actually improving the system there by providing three extra, fully trained ambulance officers. That means there will be a higher quality of service. The service provided by community ambulance officers will continue too, of course, because community ambulance officers play a very important part in service provision. However, in the government's view, and I think according to any objective view, a fully qualified ambulance officer has a greater level of training and skill than a community ambulance officer. The government is in fact providing an additional service.

The honourable member for Gippsland East also raised the question of ambulance rosters. The question of how a final roster will work is an issue. In this case, as in many others, there is no single view. The honourable member might have inferred that everyone was agreeing to the alternative roster he was proposing, but that does not concur with the advice I have. It may well be that different ambulance officers in particular places have different views about particular rosters. Rosters are difficult things, because people want to have different rosters. That issue is being worked through. I assure the honourable member that there is no diminution in service at all.

The honourable member for Benambra raised issues in relation to the Wodonga hospital. In passing, let me say I was very pleased with the meeting the honourable member and I had in Albury with the two cabinets — the cabinets of New South Wales and Victoria. We proceeded the next step down the track of a joint Albury-Wodonga hospital, of which the honourable member has been a strong proponent, as is the government. That is a very positive development.

The honourable member raised two issues, one of which related to radiotherapy funding. There was a shortfall in payments for radiotherapy at the hospital. The radiotherapy is actually carried out at the private facility but is provided through a contract that involves the hospital. The advice I have is that the hospital will be appropriately reimbursed for the cost of that, and I understand that advice is being communicated to the hospital.

Mr Plowman interjected.

Mr THWAITES — It is a matter for the regional office, which has a very good relationship with the hospital. I am not going to interfere with that relationship. My understanding, however, is that the matter is in hand and will be dealt with appropriately.

The honourable member also raised the matter of WIES payments and WIES delivery by the hospital. The government has exactly the same casemix policy as the previous government had.

Mr Plowman interjected.

Mr THWAITES — It is, and I said prior to the election that the government would continue with casemix, because on balance it is the best system for all but the smaller country hospitals. Many people would say that casemix does not work in the small country hospitals, but it works very well for hospitals the size of Wodonga hospital.

The government, like the previous government, has a policy by which a casemix target or WIES target is set at the beginning of the year — and hospitals have to stick to that. There may be some adjustments through the year depending on particular tenders for WIES or particular needs, but a hospital cannot just go out and treat more patients than its budget allows and then say it has a shortfall. That would not be consistent with casemix — or with the fair arrangement between hospitals. It would mean that a hospital that stuck to its budget would be penalised while another hospital that blew its budget would be paid extra.

In relation to Wodonga, certainly the regional office will be working with the hospital. Particular issues about the allocation and the need for doing more work can be discussed, but there is a general principle across the state that the hospital's budget target is to be met. Just as opposition members supported that arrangement when they were in government, I am sure they will support it now.

The honourable member for Bendigo East raised the issue of community health funding. She has been a passionate advocate for community health and was involved in community health before coming to this place. She has made a great contribution to community health in Bendigo. I am pleased that, working through the honourable member for Bendigo East, the government has been able to substantially boost funding for community health. Across the state the government has put an extra $10 million into community health. That has saved programs that were under threat from years of budget cuts under the previous government. Services have been increased in a range of areas, including physiotherapy and the public dental program, which the Bracks Labor government supports, unlike the previous Kennett government, which never lent it support.

The SPEAKER — Order! The Minister for Health is also obliged to respond to the matter raised by the honourable member for Glen Waverley.

Mr THWAITES — I apologise to the honourable member for Glen Waverley. Unfortunately I walked into the house in the middle of his contribution regarding a letter received from Mr David Fisher concerning legionnaire's disease. I am happy to take up that letter with both the department and the Building Control Commission.

Mr HAERMEYER (Minister for Police and Emergency Services) — The honourable member for Mitcham raised for the attention of the Minister for Consumer Affairs in another place, whom I represent in this house, a road safety issue relating to the conduct of auctions. He expressed concern about people spilling out onto roadways and was particularly concerned about children running around and onto the road. I too have noticed that.

The honourable member suggested a lateral solution that deserves serious consideration. Again I congratulate him on arriving at an innovative concept that I will refer to the Minister for Consumer Affairs. I am sure she will take it up with both the real estate industry and her department to explore its feasibility. On the face of it, the concept seems to have considerable merit.

The honourable member for Bellarine raised an issue about an unfortunate crime in his electorate but then sought to use that incident to try to score a political point about police presence in his area. He said that people in his electorate are asking, 'Where are the police officers?'. For four years people in his electorate were asking that question, but the honourable member for Bellarine was nowhere to be seen.

He seems to have forgotten that the government of which he was a member cut back police numbers by 800 over three years — almost 1 in 10 police officers were cut out of the system! The people of his electorate may then have been saying, 'Where are the police officers?', but he did not notice because he was too busy on his hands and knees like some sort of loony cult member — a Rajneeshi in a suit — worshipping the Great Dictator Jeff, who of course would not have noticed!

Victoria Police advise that things have improved quite significantly — —

Mr Spry — On a point of order, Mr Speaker, I would be disappointed if I did not see spittle flying from the beleaguered minister's mouth. On the question

of relevance — I am talking particularly about standing order 99 — my constituents would be less than impressed that the minister is not addressing the issue specifically. I ask you, therefore, to bring him back to the matter I raised.

The SPEAKER — Order! The honourable member for Bellarine raised the question of relevance. I remind the minister of his obligation to be relevant to the matter raised by the honourable member for Bellarine.

Mr HAERMEYER — Thank you for that reminder, Mr Speaker. I point out that I am referring to the issue of the police presence in the Bellarine electorate.

I have been advised by Victoria Police in the area that the situation in Bellarine has improved somewhat. The authorised strength of Victoria Police in the Geelong area is 2 senior sergeants, 10 sergeants and 70 constables and senior constables. The current strength is 2 senior sergeants, 12 sergeants — that includes 2 relieving sergeants — and 74 constables and senior constables. That is actually 6 above the authorised strength. I remind him that for much of the period of the Kennett government the whole region had well below the authorised strength. The police were totally unable to cover leave or any such positions. Their numbers were perpetually down.

The government is certainly committed to increasing the police presence not just in the Bellarine region but across the state. Over the period of this government — between its election and October 2003 — we will have recruited some 2500 police officers, which will not only cover the attrition rate but provide 800 additional police. The government will not only reach that target, it will do it by the middle of 2003 — three months early.

Last week a rather interesting line was run by the honourable member for Wantirna. The honourable member claimed that since the government had come to office only 42 additional police had been appointed. Apart from the fact that his mathematics on his piece of paper were wrong, he seems to have forgotten — —

Honourable members interjecting.

Mr HAERMEYER — He took it from 31 June — —

Mr Wells interjected.

The SPEAKER — Order! The honourable member for Wantirna!

Mr HAERMEYER — He took it from 31 June 1999 to 31 January 2001. He seems to have forgotten that that period included three months of the Kennett government.

Mr Smith — On a point of order, Mr Speaker, again on the subject of relevance, we have done a lot this afternoon to try to get some decorum back into this place. The minister is posturing, carrying on and wasting time. Will he get to the point? If he has nothing further to say, he should sit down or go home!

The SPEAKER — Order! The honourable member for Bellarine raised the matter of additional police in his electorate. The minister was responding about policing and policing numbers. He is being relevant.

Mr HAERMEYER — Thank you, Mr Speaker. The honourable member for Wantirna was seeking to subtract from the number of police that have come into the force under this government some 80 police who were lost to the force in the last three months of the Kennett government.

The government will achieve its targets. To date 26 000 expressions of interest have been received through the police recruiting campaign. Those targets will absolutely be met, with no thanks to the honourable member for Bellarine and the absent honourable member for South Barwon, who has suddenly discovered this issue.

The government is now in the process of acquiring property in the Barwon Heads–Ocean Grove area for the establishment of a 24-hour police station. The residents of that area have been asking for a police station for a long time. The honourable member for Bellarine has been silent on that issue and has absolutely nothing to say about it.

Mr Wells interjected.

The SPEAKER — Order! I ask the honourable member for Wantirna to cease interjecting.

Mr HAERMEYER — An honourable member for Geelong Province in the other place was very vocal on the issue of police numbers while the Kennett government was cutting them back, and since her election she has continued to work constructively with the government to ensure it undoes the damage of the previous government. The honourable member was also very vocal on the issue of getting a 24-hour police station for Bellarine. Unfortunately, the honourable members for Bellarine and South Barwon were both missing in action when the real fight was being fought on this issue. It is a problem in which the honourable

members for Bellarine and South Barwon were complicit. An honourable member for Geelong Province was proactive in trying to get the issue addressed. She is assisting the government to fix the problem they caused!

Dr Napthine — On a point of order, Mr Speaker, in the contribution in response to a matter raised by the honourable member for Carrum, the Minister for Environment and Conservation quoted some material, and I took a point of order asking for the material to be tabled. The material from which the minister was quoting was later made available to the house. It comprised notes that were prepared for the minister, which is appropriate.

It is my understanding that when requested the source of such quotations should be provided to the house. The tabling of the document did not provide the source of that quotation, and I ask you, Mr Speaker, to ask the minister to provide the source of that quotation.

I turn to a secondary issue that may be even more significant with regard to this matter. Before the quotation reference was made to the fact that a resident emailed the situation to the minister — at least, that is what is implicit in the correspondence because it states:

> A resident who emailed me summarised the situation …

I have been examining the rules about how members of Parliament can effectively come into the chamber and quote emails and then be asked to source them. Given that emails are in an electronic form, and although they can be printed off and the printed version brought in, honourable members may wish to write down information from the screen, come into the house and quote it and say that it is an email. I do not know whether any of the procedures of this house, the House of Commons or any other Parliament have addressed the issue of how parliamentarians deal with sourcing quotes that are taken from an electronic format.

In a broader sense I ask you, Mr Speaker, perhaps over the next couple of weeks, to consider providing advice to the house about how honourable members, who will increasingly use electronic forms of communication and perhaps bring that information to the house and seek to quote that electronic source, can then be asked to verify the source of the quotation.

In summary, the two issues I raise are, firstly, that you request the minister to provide the source of the quotation in her notes to which she referred; and secondly, on the broader scale I ask you to look at the larger issue of how in the future members of Parliament will be able on request to verify, as is the normal practice when quoting, the source of quotations from electronic forms of communication.

Mr Haermeyer — On the point of order, Mr Speaker, the history of this house requires that a member who quotes from a document is required to table that document. The member is not required to table any sorts of references to which that document may refer. That is a total absurdity! If the Leader of the Opposition thinks there is any track record of that being the case, let him cite the instances in which it has occurred because there is no history of that whatsoever.

It is rather unfortunate that the opposition thinks this is the really big and burning issue out there in the electorate at the moment.

The SPEAKER — Order! The Chair understands that when the Minister for Environment and Conservation was asked whether she was quoting from a document she responded that she was quoting from a document, which was her notes.

I remind the house that when members are quoting they are required to source their quotations. On this occasion if the indication was that the document was indeed her notes, that document has been made available; but I do appreciate the second part of the point of order raised by the Leader of the Opposition, and I will take up his suggestion to look at that.

Mr HAMILTON (Minister for Agriculture) — It has been a long week and we all want to get home.

Honourable Members — Hear, hear!

Mr HAMILTON — The honourable member for Wimmera raised a matter with me, and he had the courtesy to advise me earlier of the issue he was going to raise. I believe that deserves as sensible and as succinct an answer as possible.

The honourable member was seeking government assistance for a number of farmers — 11, I think — who were affected by a fire in February this year. He drew a comparison with the assistance given by the government under the natural disaster relief arrangements to the community that was affected by the Stawell–Glenorchy fires in December last year.

The difficult decision for governments, regardless of how sympathetic one may be to individual disasters and problems that families have, is that each week there would be a number of local fish and chip shops destroyed as a result of fires in their premises and those families have lost their businesses. I do not think there is any way any government is going to address those

individual very serious and unfortunate circumstances in which families find themselves. By the same token, let us say there was a major hailstorm in the City of Doncaster, as there was in Sydney two or three years ago, and a whole community was impacted by another natural disaster. In such cases governments would certainly respond. I believe all Victorian taxpayers would appreciate the scope and the size of that situation.

That gets down to the nub of the difference between the Goroke fires and the massive fires in the Stawell–Glenorchy area just before Christmas. I appreciate that the honourable member advocates very strongly on behalf of his community — good on him! That is what we are here for as members of Parliament. But governments have to make a response in terms of the protocols and procedures for assessing whether there is a declaration of a natural disaster.

Under criteria used by this government and previous governments the assessments were that the Stawell and Glenorchy fires were a major disaster because they occurred before the harvest and farmers lost their crops before harvesting and because thousands of sheep were destroyed. I had the traumatic experience of watching many of the sheep being buried. It was a major disaster that affected the wider community. Departmental officers attended the Goroke fire as a matter of course to provide assistance, counselling and advice to farmers, and they advised that the fire could not qualify as a natural disaster under the criteria.

The honourable member should be aware that prior to my becoming the Minister for Agriculture the former honourable member for Wimmera, the Honourable Bill McGrath, and the former Leader of the National Party, the Honourable Pat McNamara, were both ministers for agriculture. During their time in office they did not provide one strand of barbed wire or one fence post, yet a number of bushfires occurred throughout that time. The criteria are set down and have been honoured, at least in principle, by governments over a period.

The question I put rhetorically to the honourable member is: would the National Party in developing its policies on this issue decide that government assistance should be provided every time fencing is destroyed on private farms? I suggest that would not be a path his party would go down in addressing what is a major policy issue for this government and other governments.

I am sincerely sorry for the unfortunate circumstances the farmers at Goroke find themselves in, but the advice given to me by officers of my department is that the fire did not qualify as a natural disaster and was therefore not the subject of advances from Treasury under the natural disaster relief program. I am afraid that is the position on the best advice I could get.

Ms CAMPBELL (Minister for Community Services) — The honourable member for Clayton has consistently advocated the needs of the Indochinese communities in Victoria to be strongly represented in welfare, particularly in community services. When in opposition I listened to the honourable member constantly raising the need for specific support for the Cambodian, Laotian, Vietnamese and Chinese communities. Over the years the honourable member focused particularly on the need for people from Cambodian, Laotian and Vietnamese backgrounds to work in our juvenile justice and prison systems. I am alarmed when I hear him talk now about the continuing lack of Vietnamese speakers, particularly in the welfare system.

I have not ignored the pleas of the honourable member. I am concerned that the work force in community services reflects the Victorian community, and citizens of the state with an Indochinese background and culture should be provided with workers who know and understand the culture and, wherever possible, speak their language. For me it has been an important work force issue in community services, and I believe non-government organisations, the Department of Human Services and the local government sector should actively encourage the Indochinese communities to be involved in welfare studies.

To that end I want to build on the excellent work the Department of Human Services has begun with Vietnamese juvenile offenders, particularly in juvenile justice. The department has engaged in a successful campaign and program on diversion, rehabilitation and post-release support, particularly for the Vietnamese community. I want to build on that excellent work.

I am pleased to inform the honourable member for Clayton that I will be awarding five non-recurrent scholarships, each worth $2000, to attract students to choose social work or welfare studies and to continue with those studies. To that end the honourable member for Clayton will be pleased that this year five scholarships will be awarded to students who have undertaken study in social work, community studies, juvenile justice, child protection, youth welfare and related disciplines. Each of those students is an Australian resident.

The five successful students are Ms Van Bui, Ms Trang Do, Ms Chantachone Vongsay, Ms Channy Kriv and

Mr Duc Huynh Tran. Those students bring to their studies maturity of age and vast life experience. I wish them well in their welfare studies, and I congratulate them on taking up what I believe is the most positive of careers.

The honourable member for Dromana raised a matter for the attention of the Minister for Energy and Resources in another place. I will refer the issue to the minister, particularly the short-term policing of bag limits around Sorrento and his request for legislative changes regarding the poaching of abalone and shellfish.

The honourable member for Hawthorn asked the Minister for Post Compulsory Education, Training and Employment to release the review of driver education and the detail of the outcomes. I will take that up with the minister.

The honourable member for Ballarat East raised a matter for the Minister for Education. I will ask her to take action to facilitate the upgrade of the Lethbridge and Napoleons primary schools to new locations.

The honourable member for Bennettswood raised for the Minister for Transport concern about noise barriers on the Monash Freeway. I am sure the Minister for Transport will be more than happy to ask Vicroads and residents to work together. The Minister for Transport has a proud record of community consultation and working with residents affected by freeways or potential freeways. He was personally involved in discussions and consultation on the Eastern Freeway extension. He is a minister who is active in ensuring consultation occurs.

Motion agreed to.

House adjourned 6.33 p.m. until Tuesday, 1 May.